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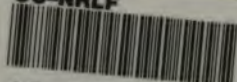
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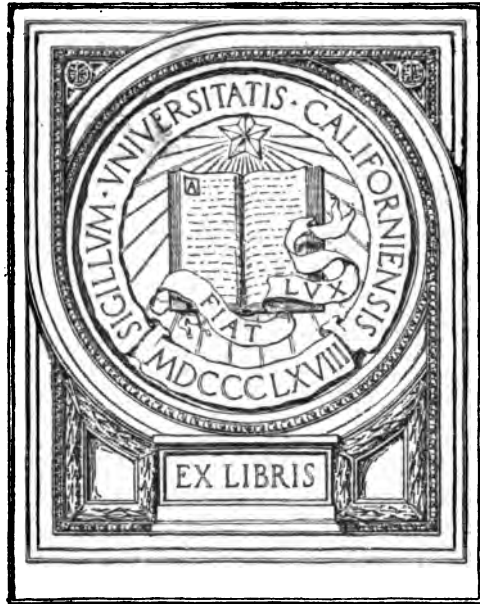
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COMP.

GENERAL
SCHOOL LAWS OF MICHIGAN.

CONSTITUTIONAL PROVISIONS.

ARTICLE VIII.

STATE OFFICERS.

(1.) SECTION 1. There shall be elected at each biennial election, a Secretary of State, a Superintendent of Public Instruction, a State Treasurer, Commissioner of the Land Office, an Auditor General, and an Attorney General, for the term of two years. They shall keep their offices at the seat of government, and shall perform such duties as may be prescribed by law. State officers to be elected. Where to keep offices.

(2.) SEC. 2. Their term of office shall commence on the first day of January, one thousand eight hundred and fifty-three, and of every second year thereafter. Term of office.

(3.) SEC. 3. Whenever a vacancy shall occur in any of the State offices, the Governor shall fill the same by appointment, by and with the advice and consent of the Senate, if in session. Vacancy, how filled.

ARTICLE XIII.

EDUCATION.

(4.) SECTION 1. The Superintendent of Public Instruction shall have the general supervision of public instruction, and his duties shall be prescribed by law. Duties of superintendent of public instruction.

(5.) SEC. 2. The proceeds from the sales of all lands that have been or hereafter may be granted by the United States to the State for educational purposes, and the proceeds of all lands or other property given by individuals or appropriated School fund.

by the State for like purposes, shall be and remain a perpetual fund, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and annually applied to the specific objects of the original gift, grant, or appropriation.

Escheats.

(6.) SEC. 3. All lands, the titles to which shall fail from a defect of heirs, shall escheat to the State; and the interest on the clear proceeds from the sales thereof shall be appropriated exclusively to the support of primary schools.

Free schools.

(7.) SEC. 4. The Legislature shall, within five years from the adoption of this constitution, provide for and establish a system of primary schools, whereby a school shall be kept without charge for tuition, at least three months in each year, in every school district in the State; and all instruction in said schools shall be conducted in the English language.

Instruction
conducted in
English
language.
District
schools.

(8.) SEC. 5. A school shall be maintained in each school district at least three months in each year. Any school district neglecting to maintain such school shall be deprived for the ensuing year of its proportion of the income of the primary school fund, and of all funds arising from taxes for the support of schools.

When de-
prived of pub-
lic money.

Election of
regents of the
university.

(9.) SEC. 6. There shall be elected in the year eighteen hundred and sixty-three, at the time of the election of a Justice of the Supreme Court, eight Regents of the University, two of whom shall hold their office for two years, two for four years, two for six years, and two for eight years. They shall enter upon the duties of their office on the first of January next succeeding their election. At every regular election of a Justice of the Supreme Court thereafter, there shall be elected two Regents, whose terms of office shall be eight years. When a vacancy shall occur in the office of Regent, it shall be filled by appointment of the Governor. The Regents thus elected shall constitute the Board of Regents of the University of Michigan.

Vacancy, how
filled.

Regents a
body corpo-
rate.

(10.) SEC. 7. The Regents of the University, and their successors in office, shall continue to constitute the body corporate known by the name and title of "The Regents of the University of Michigan."

President
of the
university.

(11.) SEC. 8. The Regents of the University shall, at their first annual meeting, or as soon thereafter as may be, elect a president of the University, who shall be ex officio a member of their board, with the privilege of speaking, but not of voting. He shall preside at the meetings of the Regents, and be the principal executive officer of the University. The Board of Regents shall have the general supervision of the University, and the direction and control of all expenditures from the University interest fund.

University
interest fund.

State board of
education.

(12.) SEC. 9. There shall be elected at the general election in the year one thousand eight hundred and fifty-two, three members of the State Board of Education; one for two years, one for four years, and one for six years; and at each suc-

ceeding biennial election there shall be elected one member of such board, who shall hold his office for six years. The Superintendent of Public Instruction shall be ex officio a member and secretary of such board. The board shall have the general supervision of the State Normal School, and their duties shall be prescribed by law.

Superintendent of public instruction a member.
Care of normal school.

(13.) SEC. 10. Institutions for the benefit of those inhabitants who are deaf, dumb, blind, or insane, shall always be fostered and supported.

Asylums.

(14.) SEC. 11. The Legislature shall encourage the promotion of intellectual, scientific, and agricultural improvement; and shall, as soon as practicable, provide for the establishment of an agricultural school. The legislature may appropriate the twenty-two sections of salt spring lands now unappropriated, or the money arising from the sale of the same, where such lands have already been sold, and any lands which may hereafter be granted or appropriated for such purpose, for the support and maintenance of such school, and may make the same a branch of the University, for instruction in agriculture and the natural sciences connected therewith, and place the same under the supervision of the Regents of the University.

Agricultural school.

(15.) SEC. 12. The Legislature shall also provide for the establishment of at least one library in each township and city; and all fines assessed and collected in the several counties and townships for any breach of the penal laws, shall be exclusively applied to the support of such libraries, unless otherwise ordered by the township board of any township or the board of education of any city: Provided, That in no case shall such fines be used for other than library or school purposes.

Libraries.

Penal fines to be applied to.

Proviso.

ARTICLE XIV.

FINANCE AND TAXATION.

(16.) SECTION 1. All specific State taxes, except those received from the mining companies of the upper peninsula, shall be applied in paying the interest upon the primary school, university, and other educational funds, and the interest and principal of the State debt, in the order herein recited, until the extinguishment of the State debt, other than the amounts due to educational funds, when such specific taxes shall be added to and constitute a part of the primary school interest fund. The Legislature shall provide for an annual tax, sufficient with other resources, to pay the estimated expenses of the State government, the interest of the State debt, and such deficiency as may occur in the resources.

Specific taxes.

Tax for state expenses.

STATUTORY PROVISIONS.

THE PRIMARY SCHOOL SYSTEM.

An Act to revise and consolidate the laws relating to PUBLIC INSTRUCTION AND PRIMARY SCHOOLS, and to repeal all statutes and acts contravening the provisions of this act.

[Act 164, 1881.]

THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

Powers and
duties of.

(17.) § 4639. SECTION 1. *The People of the State of Michigan enact*, That the superintendent of public instruction and of all state institutions, other than the university, that are essentially educational in their character, and it shall be his duty, among other things, to visit the university, the agricultural college, the institution for the deaf and dumb, the school for the blind, the reform school, the reform school for girls, and the public school for dependent and neglected children, and to meet with the governing boards of each of said institutions at least once in each year. He shall also prepare annually, and transmit to the governor, to be by him transmitted to the legislature at each biennial session thereof, a report containing:

To make
annual report.

Contents of.

First, A statement of the condition of the university and of each of the several state educational institutions, all incorporated institutions of learning, and the primary, graded, and high schools;

Second, Estimates and amounts of expenditures of all educational funds;

Third, Plans for the management of all educational funds, and for the better organization of the educational system, if, in his opinion, the same be required;

Fourth, The annual reports and accompanying documents, so far as he shall deem the same of sufficient public interest, of all state institutions of educational character;

Fifth, Abstracts of the annual reports of the school inspectors of the several townships and cities of the state;

Sixth, All such other matter relating to his office and the subject of education generally as he shall deem expedient to communicate.

As to superintendents of public instruction, see Chapter 116, C. L. 1897; Const. xiii, 1.

Deputy super-
intendent.

(18.) § 4640. SEC. 2. He may appoint a deputy superintendent of public instruction and revoke such appointment in his discretion, and such deputy shall take the constitutional oath

of office, which, with his appointment, shall be filed with the secretary of state. Said deputy may execute the duties of the office in case of a vacancy or the absence of the superintendent. Duties of.

(19.) § 4641. SEC. 3. The superintendent of public instruction shall compile and cause to be printed all general laws relating to schools, together with all necessary forms, regulations, and instructions for conducting all proceedings under said laws, or relative to the organization and government of the schools, including rules and regulations for the management of township and district libraries, and he shall transmit the same to the several officers intrusted with the care and management of said schools. School laws to be compiled and published with forms, etc.

(20.) § 4642. SEC. 4. He shall semi-annually, on receiving notice from the auditor general of the amounts thereof, and between the first and tenth days of May and November, apportion the primary school interest fund among the several townships and cities of the state, in proportion to the number of children in each between the ages of five and twenty years, as the same shall appear by the reports of the several boards of school inspectors made to him for the school year closing prior to the May apportionment and shall prepare a statement of the amount in the aggregate payable to each county, and shall deliver the same to the auditor general, who shall thereupon draw his warrant upon the state treasurer in favor of the treasurer of each county for the amount payable to each county. He shall also send written notices to the clerks of the several counties of the amount in the aggregate to be disbursed in their respective counties, and the amount payable to the townships and cities therein respectively. Apportionment of primary school fund, etc.
Warrant for, how drawn.
Notice to county clerks.

Am. 1885, Act 202. Molles v. Watson, 60 / 417.

(21.) § 4643. SEC. 5. Whenever the returns from any county, township, city, or district, upon which a statement of the amount to be disbursed or paid to any such county, township, city, or district shall be so far defective as to render it impracticable to ascertain the share of primary school interest fund which ought to be disbursed or paid to such county, township, city, or district, he shall ascertain by the best evidence in his power the facts upon which the ratio of such apportionment shall depend, and shall make the apportionment accordingly. Proceedings in case of defective returns.

(22.) § 4644. SEC. 6. Whenever any county, township, city, or district, through failure or error in making the proper report, shall fail to receive its share of the primary school interest fund, the superintendent of public instruction, upon satisfactory proof that said county, township, city, or district was justly entitled to the same, shall apportion such deficiency in his next apportionment; and whenever it shall appear to the satisfaction of said superintendent that any district has had three months' school, but failed to have the full time of school When deficiency may be apportioned the next year.

required by law, through no fault or negligence of the district or its officers, he may include such district in his apportionment of the primary school interest fund in his discretion.

Molles v. Watson, 60 / 417.

Other duties
of superin-
tendent.

(23.) § 4645. SEC. 7. The superintendent of public instruction shall perform such other duties as are or shall be required of him by law, and at the expiration of his term of office deliver to his successor all property, books, documents, maps, records, reports, and all other papers belonging to his office, or which may have been received by him for the use of his office.

FORMATION, ALTERATION, MEETINGS, AND POWERS OF DISTRICTS.

Inspectors to
form districts.

May alter
boundaries of.

(24.) § 4646. SECTION 1. The township board of school inspectors shall divide the township into such number of school districts as may from time to time be necessary, which districts they shall number, and they may regulate and alter the boundaries of the same as circumstances shall render proper; and each district shall be composed of contiguous territory, and be in as compact a form as may be.

Am. 1901, Act 37.

On the subject of primary schools, see chapter 116, C. L. 1897.

PRIMARY SCHOOL SYSTEM: The whole primary school system was confided by the constitution to the legislature and it cannot be said that the officers of school districts, chosen pursuant to the system adopted by the legislature, are constitutional officers.—*Belles v. Burr*, 76 / 11. The constitution of 1850 left to the legislature, as did the preceding constitution, the establishment of a system of primary schools, restricting the legislature only by providing that a school shall be kept, without charge for tuition, at least three months in each year, and that all instruction shall be conducted in the English language. All other matters seem to be within the discretion of the legislature.—*Perrizo v. Kesler*, 93 / 283; *People v. Howlett*, 94 / 168; *Pingree v. Board of Education*, 99 / 408. Our primary school system is the pride of the state.—*People v. Howlett*, 94 / 169.

FORMATION OF DISTRICTS: The township board of school inspectors is authorized to divide the township into such number of school districts as they may consider necessary from time to time, and may regulate and alter the boundaries of the same as circumstances shall render proper, subject to certain restrictions.—*Doxey v. Sch. Inspectors*, 67 / 603; *Brody v. Penn. Twp. Board*, 32 / 273; *Sch. Dist. v. Sch. Dist.*, 81 / 343; *Simpkins v. Ward*, 45 / 561. See *Briggs v. Borden*, 71 / 89-90. They may dissolve a school district and annex it to another.—*People v. Davidson*, 2 Doug. 121; *Brewer v. Palmer*, 13 / 107. When two districts are annexed without any other change in their boundaries, the mere fact that one number is preferred to another does not change the real character of the annexation.—*Brewer v. Palmer*, 13 / 109. When one district is annexed to another, its corporate existence ceases and it cannot be sued for debts: the new district must be held responsible for them.—*Id.* But when a district is parceled out among several other districts, the latter cannot be held jointly liable for the debts of the former; whatever they are bound to pay is a several and not a joint obligation.—*Halbert v. Sch. Dists.*, 36 / 421. But the inspectors cannot change a district formed by special act of the legislature.—*Sch. Dist. v. Dean*, 17 / 223. The organization of a new township severs its territory from the school district within which it was formerly embraced.—*People v. Ryan*, 19 / 203. See Section 4654.

INTEREST OF INSPECTORS: Where the interest of the inspectors in the formation of a school district is no greater than that of other taxpayers and residents, they are not disqualified from acting.—*Clement v. Everest*, 29 / 19. The interest which disqualifies.—*Stockwell v. White Lake Twp. Board*, 22 / 341; *Peninsular Ry. Co. v. Howard*, 20 / 18.

QUESTIONING REGULARITY: The regularity of the proceedings for the formation of a district and the existence of it cannot be questioned collaterally, but only in direct proceedings.—*Clement v. Everest*, 29 / 19. See *Sch. Dist. v. Inspectors*, 27 / 3; *Stuart v. Sch. Dist.*, 30 / 69; *Lord v. Every*, 38 / 405; *Bird v. Perkins*, 33 / 30; *Stockle v. Slisbee*, 41 / 621; *Keweenaw Ass'n v. Sch.*

Dist., 98 / 437. The legality of the organization and existence of the district cannot be tested by certiorari.—*Jaquith v. Hale*, 31 / 430. Certiorari to review the proceedings in organizing a district will not lie after the district is actually organized and has assumed the functions of a corporation; its corporate existence must then be tested by quo warranto.—*Sch. Dist. v. Inspectors*, 27 / 3; *People v. Gartland*, 75 / 143. But there should be some special and extraordinary reason to justify interference by quo warranto with the organization of a school district, as the statutes provide a speedier remedy by an appeal from the district board to the township board.—*Lord v. Every*, 38 / 405. And the supreme court will not meddle with the concerns of school districts, on mandamus, except on things of substance.—*Sch. Dist. v. Riverside Twp.*, 67 / 406.

(25.) § 4647. SEC. 2. Whenever the board of school inspectors of any township shall form a school district therein, it shall be the duty of the clerk of such board to deliver to a taxable inhabitant of such district a notice in writing of the formation of such district, describing its boundaries, and specifying the time and place of the first meeting, which notice, with the fact of such delivery, shall be entered upon record by the clerk. The said notice shall also direct such inhabitant to notify every qualified voter of such district, either personally or by leaving a written notice at his place of residence, of the time and place of said meeting, at least five days before the time appointed therefor; and it shall be the duty of such inhabitant to notify the qualified voters of said district accordingly, and said inhabitant, when he shall have notified the qualified voters as required in such notice, shall endorse thereon a return, showing such notification with the date or dates thereof, and deliver such notice and return to the chairman of the meeting, to be by him delivered to the director chosen at such meeting, and by said director recorded at length as a part of the records of such district.

Township clerk to deliver notice of formation to inhabitants.

Inhabitants to serve notice of first meeting.

Return of notice.

Notice and return to be recorded.

NOTICE: The board of school inspectors may under one notice, at one meeting, by separate action, detach lands from separate school districts and attach them to one district.—*Doxey v. School Inspectors*, 67 / 601. Irregularity in notice.—*Parman v. Inspectors*, 49 / 63. See *Roeser v. Gartland*, 75 / 144.

RECORDS: Importance of.—*Sch. Dist. v. Snell*, 24 / 352.

(26.) § 4648. SEC. 3. In case the inhabitants of any district shall fail to organize the same in pursuance of such notice as aforesaid, the said clerk shall give a new notice in the manner hereinbefore provided, and the same proceedings shall be had thereon as if no previous notice had been delivered.

Proceedings in case of failure to organize district.

(27.) § 4649. SEC. 4. Whenever it shall be necessary or convenient to form a district from two or more adjoining townships, the inspectors, or a majority of them, of each of such adjoining townships, may form such district, to be designated as a fractional district, and direct which township clerk shall make and deliver the notice of the formation of the same to a taxable inhabitant thereof, and may regulate and alter such district as circumstances may render necessary in the same manner that other districts are altered. The annual reports of the director of such district shall be made to the inspectors

Formation of fractional districts.

To whom director of such district shall report.

of the township in which the school-house may be situated, and the inspectors of such township shall number said district.

Saginaw Twp. v. Sch. Dist., 9 / 544; Brewer v. Palmer, 13 / 109.

When district
deemed organ-
ized.

Presumption
of legal organ-
ization.

(28.) § 4650. SEC. 5. Every such school district shall be deemed duly organized when any two of the officers elected at the first meeting shall have filed their acceptances in writing with the director, and the same shall have been recorded in the minutes of such first meeting. Every school district shall, in all cases, be presumed to have been legally organized when it shall have exercised the franchises and privileges of a district for the term of two years; and such school district and its officers shall be entitled to all the rights, privileges, and immunities, and be subject to all the duties and liabilities conferred upon school districts by law.

Organization
of districts.

PRESUMPTION OF LEGAL ORGANIZATION: When a district has exercised the franchises and privileges of a school district for over two years, it is too late to question the legality of its organization.—Sch. Dist. v. Sch. Dist., 63 / 56; Sch. Dist. v. Sch. Dist., 81 / 343. The same rule which recognizes the right of officers de facto recognizes corporations de facto.—Clement v. Everest, 29 / 23. In public affairs, when the people have organized themselves under color of law into the ordinary municipal bodies, and have gone on year after year raising taxes, making improvements and exercising their usual franchises, their rights are properly regarded as depending quite as much on the acquiescence as on the regularity of their origin, and no ex post facto inquiry can be permitted to undo their corporate existence.—People v. Maynard, 15 / 470. As to questioning the regularity of organization, etc., see note to Section 4646.

Director's
record of first
meeting to be
evidence.

(29.) § 4651. SEC. 6. The record of the first meeting made by the directors shall be prima facie evidence of the facts therein set forth, and of the legality of all proceedings in the organization of the district prior to the first district meeting; but nothing in this section contained shall be so construed as to impair the effect of the record kept by the school inspectors, as evidence.

CORPORATE POWERS OF DISTRICTS.

School district
to be body
corporate.

Name and
style.

Powers of.

(30.) § 4652. SEC. 7. Every school district organized in pursuance of this chapter, or which has been organized and continued under any previous law of the state or territory of Michigan, shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, by the name and style of "school district number (such number as shall be designated in the formation thereof by the inspectors), of" (the name of the township or townships in which the district is situated), and in that name shall be capable of suing and being sued, of contracting and being contracted with, and of holding such real and personal estate as is authorized to be purchased by the provisions of law, and of selling the same.

CORPORATE POWERS: The school district, under our statutes, is a corporation, and, as such corporation, is represented by three officers: a moder

ator, director and assessor. The affairs of the district are managed and controlled by them, under certain restrictions.—Sch. Dist. v. Sch. Dist., 63 / 57. A school district can take and hold bequests of money for the maintenance of a public library for the use and benefit of the residents of the district.—Maynard v. Woodard, 36 / 423. School districts, like townships and counties, are subdivisions of the state. This section gives them the capacity to sue and be sued.—Van Wert v. Sch. Dist., 100 / 333. School districts are municipal corporations.—Seeley v. Board of Ed., 39 / 486; Sch. Dist. v. Gage, 39 / 484; Belles v. Burr, 76 / 1. And cannot be garnished even by its own consent, unless the debtor also consents.—Id. They preceded the constitution (Stuart v. Sch. Dist., 30 / 69); and were recognized by that instrument.—Belles v. Burr, 76 / 11.

ALTERATION OF DISTRICTS.

(31.) § 4653. SEC. 8. Whenever the board of school inspectors shall contemplate an alteration of the boundaries of a district, the township clerk (and for meetings of boards to act in relation to fractional districts, clerks of the several townships interested) shall give at least ten days' notice of the time and place of the meeting of the inspectors, and the alteration proposed, by posting such notice in three public places in the township or townships, one of which notices shall be in each of the districts that may be affected by such alteration. Whenever the boards of school inspectors of more than one township meet, they shall elect one of their number chairman, and another clerk thereof.

Alterations of boundaries of districts by inspectors.

NOTICE: The notice required is jurisdictional and indispensable.—Coulter v. Inspectors, 59 / 391; Sch. Dist. v. Inspectors, 63 / 611; Gentle v. Inspectors, 73 / 40; Graves v. Inspectors, 102 / 685; Passage v. Inspectors, 19 / 330; Andress v. Inspectors, 19 / 332. Proof of the posting of such notice should be filed with the clerk of the board, before any action is taken.—Coulter v. Inspectors, 59 / 391; Sch. Dist. v. Inspectors, 63 / 611; Graves v. Inspectors, 102 / 635. Where notice is not given the filing of the consent of a majority of the resident taxpayers of the districts affected will not validate the action.—Gentle v. Inspectors, 73 / 40. Notices must be posted in each township affected by the alteration.—Sch. Dist. v. Metcalf, 93 / 499. The object of the notice is to enable parties interested to be heard before any action is taken.—Gentle v. Inspectors, 73 / 45; Sch. Dist. v. Metcalf, 93 / 499. As to the provision in the former law, see Sch. Dist. v. Sch. Dist., 63 / 51.

Alteration of district.

FRACTIONAL DISTRICTS: The action of the joint boards is required in case of fractional districts.—Sch. Dist. v. Sch. Dist., 81 / 343.

(32.) § 4654. SEC. 9. The inspectors may, in their discretion, detach the property of any person or persons from one district and attach it to another; except that no land which has been taxed for building a school-house shall be set off into another school district for the period of three years thereafter, except by the consent of the owner thereof; and no district shall be divided into two or more districts without the consent of a majority of the resident taxpayers of said district, and no two or more districts be consolidated without the consent of a majority of the resident taxpayers of each district.

Powers of inspectors to alter districts.

When consent of taxpayers to be obtained.

People v. Davidson, 2 Doug. 121; Brewer v. Palmer, 13 / 104. See Sch. Dist. v. Dean, 17 / 223. Gentle v. Sch. Inspectors, 73 / 45.

DISSOLVING DISTRICT: The school inspectors have power to alter boundaries of districts, and attach or detach persons, to or from any district; but no power is anywhere granted to them to disband, dissolve or destroy a district, save as restricted under this section.—Briggs v. Borden, 71 / 90. As intimated in Doxey v. Inspectors, 87 / 604, the school inspectors have no authority to divide up a district and destroy it, without the consent of a majority of the resident taxpayers; nor can they destroy it by

cutting it up into pieces and attaching all the territory to other districts without such consent.—*Id.* The terms "dissolve" and "disband" are of similar import and a vote taken to "disband" is supported by notice of a meeting to vote upon a proposition to "dissolve."—*Id.*

CONSENT OF OWNER: Lands taxed within three years for building a school-house, not to be set off into another district without the consent of the owner.—*Coulter v. Inspectors*, 59 / 391.

Persons out of district may be attached thereto in certain cases.

(33.) § 4655. SEC. 10. The inspectors may attach to a school district any person residing in a township, and not in any organized district, at his request; and for all district purposes except raising a tax for building a school-house, such person shall be considered as residing in such district; but when set off to a new district, no sum shall be raised for such person as his proportion to the district property.

Township clerk to give notice of alteration in districts.

(34.) § 4656. SEC. 11. In all cases where an alteration of the boundaries of a school district shall be made, the township clerk shall, within ten days, deliver to the director of each district affected by the alteration a notice in writing, setting forth the action of the inspectors and defining the alterations that have been made.

DIVISION OF PROPERTY.

When district is divided, property to be apportioned.

(35.) § 4657. SEC. 12. When a new district is formed, in whole or in part, from one or more districts possessed of a school-house, or entitled to other property, the inspectors, at the time of forming such new district, or as soon thereafter as may be, shall ascertain and determine the amount justly due to such new district from any district out of which it may have been in whole or in part formed, as the proportion of such new district, of the value of the school-house and other property belonging to the former district, at the time of such division; and whenever by the division of any district, the school-house or site thereof shall no longer be conveniently located for school purposes, and shall not be desired for use by the new district in which it may be situated, the school inspectors of the township in which such school-house and site shall be located, may advertise and sell the same, and apportion the proceeds of such sale, and also any moneys belonging to the district thus divided, among the several districts erected in whole or in part from the divided district.

When school house or site is not needed, may be sold.

Proceeds of sale to be apportioned.

Saginaw Twp. v. Sch. Dist., 9 / 541; *People v. Ryan*, 19 / 203; *Ramsey v. Everett Twp. Clerk*, 52 / 344; *Sch. Dist. v. Riverside Twp.*, 67 / 404.

NEW DISTRICT: The township board has jurisdiction of appeals from decisions of the board of school inspectors fixing the amount to be paid by an old school district to a new one, where the latter comprises part of the same territory and the former retains the school property.—*Pine Sch. Dist. v. Wilcox*, 48 / 404. See Section 4743 as to appeals. Bill to prevent the consummation of a void apportionment.—*Sch. Dist. v. Sch. Dist.*, 63 / 58. Bill to restrain the sale of the school-house.—*Briggs v. Borden*, 71 / 87. Upon the formation of a new district by the union of two or more, the new district succeeds to the credits and property and is liable for the debts of the old ones.—*Brewer v. Palmer*, 13 / 104; *Halbert v. Districts*, 36 / 421.

How proportion to be ascertained.

(36.) § 4658. SEC. 13. Such proportion shall be ascertained and determined according to the value of the taxable property of the respective parts of such former district at the time of

the division, by the best evidence in the power of the inspectors; and such amount of any debt due from the former district, which would have been a charge upon the new, had it remained in the former district, shall be deducted from such proportion: Provided, That no real estate thus set off, and which shall not have been taxed for the purchase or building of such school-house, shall be entitled to any portion thereof, nor be taken into account in such division of district property. Proviso.

DEBTS OF OLD DISTRICTS: Where the territory of a school district is absorbed by other districts, the statute contemplates that the township board of school inspectors shall make an equitable adjustment of property and debts, so as to apportion them fairly among the districts which have succeeded to the jurisdiction of that which has been divided.—*Halbert v. Sch. Districts*, 36 / 421. Where a school district has been subdivided and other districts set off, the debts of the original district cannot be parceled out among all by a proceeding in the courts, so as to give creditors a remedy against any but the original debtors.—*Turnbull v. Alpena Sch. Dist.*, 45 / 496; *Maltz v. Board of Education*, 41 / 547. A debt once existing must remain a debt against the corporation that created it, and its obligation is not destroyed by a change in corporation limits. If contribution is required, it must be obtained by the corporation and not by its creditors, unless otherwise provided by law.—*Turnbull v. Alpena Sch. Dist.*, 45 / 499.

DISTRICT MEETINGS.

(37.) § 4659. SEC. 14. The annual meeting of each school district shall be held on the first Monday of September in each year, and the school year shall commence on that day: Provided, That any school district that shall so determine at an annual meeting, or at a special meeting duly called for that purpose, may hold its annual meeting on the second Monday of July in each year, or in the same manner may thereafter change the time of its annual meeting to the first Monday in September in each year, and the trustees and officers of the district shall date their terms of office from the date so chosen, and until their successors are elected and qualified: Provided further, That such action, in either case, shall not change the time of the commencement of the school year, or the taking of the annual school census. Annual meeting, when held, school year to commence.
Proviso.

Farrell v. Sch. Dist., 98 / 45; *Johnston v. Mitchell*, 120 / 589.

(38.) § 4660. SEC. 15. Special meetings may be called by the district board; and it shall be the duty of said board, or any one of them, to call such meetings on the written request of not less than five legal voters of the district, by giving the notice required in the next succeeding section; but no special meeting shall be called unless the business to be transacted may lawfully come before such meeting, and no business shall be transacted at a special meeting unless the same be stated in the notice of said meeting. Special meetings.

When may not be called.
Business of, to be stated in notice.

NOTICE: Liberal rules of interpretation must be applied to these notices, and if they be such as, under a fair construction, to give notice to the electors of the purpose for which the meetings are called, they must be held sufficient.—*Peters v. Warren Twp.*, 98 / 55.

SPECIAL MEETING: In order to constitute a legal school meeting, the evidence must show that a legal petition was presented and a legal notice of the meeting given.—Cent. Sch. Supply House v. Sch. Dist., 99 / 402; Johnston v. Mitchell, 120 / 589.

Notices of meetings.

(39.) § 4661. SEC. 16. All notices of annual or special district meetings, after the first meeting has been held as aforesaid, shall specify the day and hour and place of meeting, and shall be given at least six days previous to such meeting, by posting up copies thereof in three of the most public places in the district, one copy of which for each meeting shall be posted at the outer door of the district school-house, if there be one; and in case of any special meeting called for the purpose of establishing or changing the site of a school-house, such notice shall be given at least ten days previous thereto: Provided, That when any of the district board shall receive a request to call a special meeting, as provided in the preceding section, he shall forthwith give notice, as above provided, of said meeting, which shall be called in not less than six nor more than twelve days from the time the said officer shall receive the notice aforesaid. No annual meeting shall be deemed illegal for want of due notice, unless it shall appear that the omission to give such notice was wilful and fraudulent.

Duty of district officer to give.

When annual meeting not illegal for want of.

Schafer v. Sch. Dist. No. 1 of Baraga, 116 / 206; Johnston v. Mitchell, 120 / 589.

Who qualified to vote at school meetings.

(40.) § 4662. SEC. 17. Every citizen of the age of twenty-one years, who has property assessed for school taxes in any school district, and who has resided therein three months next preceding any school meeting held in said district, or who has resided three months next preceding such meeting on any territory belonging to such district at the time of holding said meeting, shall be a qualified voter in said meeting upon all questions, and all other citizens who are twenty-one years of age, and are the parents or legal guardians of any children included in the school census of the district, and who have for three months as aforesaid, been residents of said district or upon any territory belonging thereto at the time of holding any school meeting, shall be entitled to vote on all questions arising in said district, which do not directly involve the raising of money by tax.

Am. 1895, Act 15.

QUALIFIED VOTER: See Act 138 of 1893, conferring upon women the right to vote for all "school, village and city officers," and declared unconstitutional in Coffin v. Election Com'rs, 97 / 189. The constitution of 1835, as well as that of 1850, in terms authorized the legislature to construct a primary school system and for years antedating the present constitution the legislature construed a similar provision as conferring the power to determine the qualifications of voters for district school officers.—Coffin v. Election Com'rs, 97 / 193; Belles v. Burr, 76 / 1. The election of members of a board of education at the annual charter election does not make such an election a "school district meeting" and give women the right to vote thereat, under the provisions of this section.—Mudge v. Stebbins, 59 / 165.

Challenging voters.

(41.) § 4663. SEC. 18. If any person offering to vote at a school district meeting shall be challenged as unqualified by

any legal voter in such district, the chairman presiding at such meeting shall declare to the person challenged the qualifications of a voter; and if such person shall state that he is qualified, and the challenge shall not be withdrawn, the chairman shall tender to him an oath, in substance as follows: "You do swear (or affirm) that you are a citizen of the United States, that you have been for the last three months an actual resident of this school district, or residing upon territory now attached to this school district, and that you pay a school district tax therein;" and every person taking this oath shall be permitted to vote upon all questions proposed at such meetings. Or he may take the following oath, to wit: "You do swear (or affirm) that you are a citizen of the United States, that you have been for the last three months an actual resident of this school district, or residing upon property now attached to this school district, and that you are the parent or legal guardian of one or more children now included in the school census of the district;" and he may vote upon all questions which do not directly involve the raising of money by tax. If any person so challenged shall refuse to take such oath, his vote shall be rejected; and any person who shall wilfully take a false oath, or make a false affirmation, under the provisions of this section, shall be deemed guilty of perjury. When any question is taken in any other way than by ballot, a challenge immediately after the vote has been taken shall be deemed to be made when offering the vote, and treated in the same manner.

Oaths to be
tendered
challenged
voters.

False oath
deemed
perjury.

Am. 1895, Act 258.
Belles v. Burr, 76 / 6.

(42.) § 4664. SEC. 19. If at any district meeting any person shall conduct himself in a disorderly manner, and, after notice from the moderator or person presiding, shall persist therein, the moderator or person presiding may order him to withdraw from the meeting, and on his refusal, may order any constable, or other person or persons, to take him into custody until the meeting shall be adjourned; and any person who shall refuse to withdraw from such meeting on being so ordered as herein provided, and also any person who shall wilfully disturb such meeting by rude and indecent behavior, or by profane or indecent discourse, or in any other way make such disturbance, shall, on conviction thereof, be punished by a fine not less than two nor more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days; and any justice of the peace, recorder, or police justice of the township, ward, or city where such offense shall be committed, shall have jurisdiction to try and determine the same.

Disorderly
persons at
district meet-
ings to be
taken into
custody.

Penalty for
disturbing
meeting.

Who shall
have juris-
diction in
trial.

(43.) § 4665. SEC. 20. The qualified voters in any school district when lawfully assembled at the first and at each annual meeting, or at an adjournment thereof, or at any special

Powers of
qualified
voters at
school meet-
ings.

meeting lawfully called except as hereinafter provided, shall have power:

May appoint a chairman.

First, At the first meeting and at any meeting after the organization of the district, in the absence of the moderator, to appoint a chairman for the time being, and in the absence of the director to appoint some person to act in his stead, who shall keep a minute of the proceedings of such meeting and certify the same to the director, to be by him entered in the records of the district;

May adjourn.

Second, To adjourn from time to time as occasion may require;

Elect district officers.

Third, To elect district officers as herein provided, and to determine at what hour the annual meeting shall be held;

May select a site.

Fourth, To designate, as hereinafter provided, a site or such number of sites as may be desired for school-houses, and to change the same when necessary;

To direct the purchasing of sites.

Fifth, To direct the purchasing or leasing of a site or sites, lawfully determined upon; the building, hiring or purchasing of a school-house or houses, or the enlarging of a site or sites previously established;

Vote tax.

Sixth, To vote such tax as the meeting shall deem sufficient, to purchase or lease a site or sites, or to build, hire or purchase a school-house or houses; but the amount of taxes to be raised in any district for the purpose of purchasing or building a school-house or houses in the same year that any bonded indebtedness is incurred, shall not exceed in districts containing less than ten children between the ages of five and twenty years, two hundred and fifty dollars; in districts having between ten and thirty children of like age, it shall not exceed five hundred dollars; and in districts having between thirty and fifty children of like age, it shall not exceed one thousand dollars. No legal subdivision of land shall be taxed for building a school-house unless some portion thereof shall be within two and one-half miles of said school-house site;

Impose tax for repairs.

Seventh, To impose such tax as shall be necessary to keep their school-house or houses in repair, and to provide the necessary appendages and school apparatus, and in districts having district libraries, for the support of the same, and to pay and discharge any debts or liabilities of the district lawfully incurred, and also to pay for the services of any district officer. The tax herein authorized to be voted shall not exceed one-half of the amount which the district is authorized to raise for building school-houses;

Direct sale of schoolhouses or site.

Eighth, To authorize and direct the sale of any school-house, site, building or other property belonging to the district, when the same shall no longer be needed for the use of the district;

Give direction in relation to suit.

Ninth, To give such directions and make such provisions as they shall deem necessary in relation to the prosecution or defense of any suit or proceeding in which the district may be a party, or interested;

Tenth, To appoint, as in their discretion it may be necessary, a building committee to perform such duties in supervising the work of building a school-house as they may by vote direct;

Appoint building committee.

Eleventh, At the first and the annual meeting only, to determine the length of time a school shall be taught in their district during the ensuing year, which shall not be less than nine months in districts having eight hundred children over five and under twenty years of age, and not less than five months in all other districts, on pain of forfeiture of their share of the primary school interest fund; but in case such matters shall not be determined at the first or annual meeting, the district board shall determine the same; and in case the district fails to vote for at least the minimum length required herein, the district board shall make provisions for said minimum length of school;

Determine the time school shall be taught.

Twelfth, To appropriate any surplus moneys arising from the one mill tax after having maintained a school in the district at least eight months in the school year, for the purpose of purchasing and enlarging school sites, or for building or repairing school-houses or for purchasing books for library, globes, maps and other school apparatus, or for any incidental expenses of the school.

May appropriate surplus money for certain purposes.

Am. 1895, Act 15.

Molles v. Watson, 60 / 415.

FOURTH: See Section 4728 as to designation of school sites.

FIFTH: A school district, contracting for the building of a school-house within a stated time, is bound to furnish a suitable site therefor, within such reasonable time that the contractors shall not be delayed on their part.—Todd v. Sch. Dist., 40 / 294. Sureties upon a bond for the performance of a contract are released by an assignment of the contract and the grant of an extension of time to the contractors.—Id.

SIXTH: A school district in its annual meeting may lawfully recognize and pay equitable claims even though they are not strictly legal demands against it.—Stockdale v. School Dist., 47 / 226. The provision that no land shall be taxed for the building of school-houses, unless some portion thereof shall be within $2\frac{1}{2}$ miles of the school-house site, does not apply to a graded school district.—Keweenaw Ass'n v. Sch. Dist., 98 / 437.

SEVENTH: Publishing House v. Sch. Dist., 94 / 265. The word "appendage" does not mean simply the apparatus to be used inside of the building, nor is it limited to brooms, palls, cups, etc., but must be construed to include fuel, fences and necessary out-houses.—Creager v. Sch. Dist., 62 / 108. A director has authority, in the exercise of a sound discretion, to buy new seats for a school-house under a resolution "to fit up the school-house for the winter term."—McLaren v. Akron Town Board, 48 / 190. Equitable claims.—See note to subdivision Sixth. Certain charts, etc., held not to be necessary appendages, such as the director is required to furnish.—Gibson v. Sch. Dist., 36 / 404; Publishing House v. Sch. Dist., 94 / 265. A school district has no power to levy a tax except for the purposes specified by statute.—Hinman v. Sch. Dist., 4 / 168. See Section 4688, subdivision 6.

ELEVENTH: Tappan v. Sch. Dist., 44 / 500. The district board has power to contract with a qualified teacher for such term during the ensuing year as shall be determined by the qualified voters of the district at the annual school meeting.—Cleveland v. Amy, 88 / 374; Molles v. Watson, 60 / 417.

TWELFTH: Gibson v. Sch. Dist., 36 / 404; Publishing Co. v. Sch. Dist., 94 / 265.

DISTRICT BOARD AND OFFICERS.

(44.) § 4666. SECTION 1. At the first meeting in each school district there shall be elected by ballot a moderator for the term of three years, a director for two years, and a treasurer for one year; and on the expiration of their respective terms

Election of district officers.

Term of office. of office, and regularly thereafter at the annual meetings, their several successors shall be elected in like manner for a term of three years each. The time intervening between the first meeting in any school district and the first annual meeting thereafter shall be reckoned as one year.

NOTE.—Act 165, 1901, amending Act 164, 1881, changes the word *assessor* to *treasurer*; Eff. Sept. 1, 1902.

OFFICERS: The officers of a primary school district consist of a moderator, director and assessor. These offices are created by statute and have attached to them certain limited powers and particular duties. They have, therefore, neither common law power, nor rights, but are strictly confined to such as are conferred upon them by statute; and as no compensation for their official services has been provided [as the law stood prior to 1859] or in any manner authorized by statute, none can be legally claimed or recovered.—*Hinman v. Sch. Dist.*, 4 / 168. The provisions relative to the election of school district officers by ballot are mandatory; but where they were unanimously chosen by viva voce vote at a regular meeting, and qualified and acted and no one else claimed the offices, a writ of quo warranto was dismissed.—*People v. Gartland*, 75 / 143. Parol evidence is admissible to show who are the district officers.—*Crane v. Sch. Dist.*, 61 / 299.

BALLOT: All ballots cast under statutory requirements are formal and final, if there is an election, and cannot be repeated. There can be no "informal" ballot.—*People v. Stone*, 78 / 635; *Sch. Dist. v. Root*, 61 / 373.

When district
offices shall
become
vacant.

(45.) § 4667. SEC. 2. A school district office shall become vacant upon the occurrence of any of the following events:

First, The death of the incumbent;

Second, His resignation;

Third, His removal from office;

Fourth, His removal from the district;

Fifth, His conviction of any infamous crime;

Sixth, His election or appointment being declared void by a competent tribunal;

Seventh, His neglect to file his acceptance of office, or to give or renew any official bond according to law.

Vacancies in
offices, how
filled.

(46.) § 4668. SEC. 3. In case any one of the district offices becomes vacant, the two remaining officers shall immediately fill such vacancy; or in case two of the offices become vacant, the remaining officer shall immediately call a special meeting of the district to fill such vacancies; in case any vacancy is not filled as herein provided within twenty days after it shall have occurred, or in case all the offices in a district shall become vacant, the board of school inspectors of the township to which the annual reports of such district are made shall fill such vacancies. Any person elected or appointed to fill a vacancy in a district office shall hold such office until the next succeeding annual meeting, at which time the voters of the district shall fill such office for the unexpired portion of the term.

Term of office
of appointed
officer.

Johnston v. Mitchell, 120 / 589.

Who are
eligible to
hold office.

(47.) § 4669. SEC. 4. Any qualified voter in a school district whose name appears upon the assessment roll, and is the owner in his own right of the property so assessed, shall be eligible to election or appointment to office in such school district, unless such person be an alien.

Am. 1899, Act 184.

(48.) § 4670. SEC. 5. Within ten days after their election or appointment, the several officers of each school district shall file with the director written acceptances of the offices to which they have been respectively elected or appointed, and such acceptances shall be entered in the records of the district by said director.

Acceptance
of offices to
be filed.

(49.) § 4671. SEC. 6. The moderator, director, and treasurer shall constitute the district board. Meetings of the board may be called by any member thereof by serving on the other members a written notice of the time and place of such meeting at least twenty-four hours before such meeting is to take place; and no act authorized to be done by the district board shall be valid unless voted at a meeting of the board. A majority of the members of the board at a meeting thereof shall be necessary for the transaction of business.

District board,
when meet-
ings of may
be called.

Necessity of
meeting to
valid action
by board.
Quorum of
board.

Am. 1901, Act 165.

A teacher cannot be hired by two members of the board without the concurrence of the third and without convening any meeting of the board.—Hazen v. Lerche, 47 / 626.

(50.) § 4672. SEC. 7. The said district board shall purchase a record book and such other books, blanks, and stationery as may be necessary to keep a record of the proceedings of the district meetings and of meetings of the board, the accounts of the assessor, and for doing the business of the district in an orderly manner.

Board to
purchase
record books,
etc.

Before the enactment of this provision it was held that the board had authority to purchase, at the expense of the district, record books, blanks and paper necessary for the use of the district in keeping the records required by law, without any vote of the district therefor.—Sch. Dist. v. Snell, 24 / 353.

(51.) § 4673. SEC. 8. The district board shall purchase or lease, in the corporate name of the district, such sites for school-houses as shall have been lawfully designated, and shall build, hire, or purchase such school-houses as may be necessary out of the fund provided for that purpose, and make sale of any site or other property of the district when lawfully directed by the qualified voters; but no district in any case shall build a stone or brick school-house upon any site without having first obtained a title in fee to the same, or a lease for ninety-nine years; nor shall any district build a frame school-house on any site for which they have not a title in fee or a lease for fifty years, without securing the privilege of removing the said school-house when lawfully directed so to do by the qualified voters of the district at any annual or special meeting, when lawfully convened.

Board to
purchase, etc.,
site, and build,
etc., school-
house.

Necessity of
title or lease
to site before
building
school-house.

TITLE IN FEE: A lease to a school district "during the time it is used for school purposes" is a lease in perpetuity at the will of the lessee. Since the lessee is a corporation and words of inheritance are not required, the lease, if a present consideration is paid, operates as a bargain and sale and conveys a base or determinable fee. This is sufficient to satisfy the provisions of the school law.—Sch. Dist. v. Everett, 52 / 314.

Board to estimate tax for support of schools.

Limit of tax in certain cases.

When board may borrow money.

Board to report district taxes to township clerk.

Board to apply moneys according to law.

Sectarian schools barred from public moneys.

Board to make annual reports.

Contents of.

(52.) § 4674. SEC. 9. It shall be the duty of the district board to estimate the amount necessary to be raised, in addition to other school funds, for the entire support of such schools, including teachers' wages, fuel, and other incidental expenses, and for deficiencies of the previous year for such purposes. But in districts having less than thirty scholars, such estimate, including the district's share of the primary school interest fund and one-mill tax, shall not exceed the sum of fifty dollars a month for the period during which school is held in such district; and when such amount has been estimated and voted by the district board, it shall be reported for assessment and collection, the same as other district taxes. When a tax has been estimated and voted by the district board under the provisions of this section, and is needed before it can be collected, the district board may borrow to an amount not exceeding the amount of said tax.

(53.) § 4675. SEC. 10. The district board shall, between the first and third Mondays in September in each year, make out and deliver to the township clerk of each township in which any part of the district is situated, a report in writing under their hands of all taxes voted by the district during the preceding year, and of all taxes which said board is authorized to impose, to be levied on the taxable property of the district.

(54.) § 4676. SEC. 11. The district board shall apply and pay over all school moneys belonging to the district, in accordance with the provisions of law regulating the same, and no money raised by district tax shall be used for any other purpose than that for which it was raised, without a consenting vote of two-thirds of the tax-paying voters of the district; and no moneys received from the primary school interest fund, nor from the one-mill tax except as provided by law shall be appropriated to any other use than the payment of teachers' wages, and no part thereof shall be paid to any teacher who shall not have received a certificate of qualification from proper legal authority before the commencement of his school. No school district shall apply any of the moneys received by it from the primary school interest fund, or from any and all other sources, for the support and maintenance of any school of a sectarian character, whether the same be under the control of any religious society, or made sectarian by the school district board.

Proof of qualification.—Sch. Dist. v. Cook, 47 / 112.

(55.) § 4677. SEC. 12. Said board shall present to the district, at each annual meeting, a report in writing, containing an accurate statement of all moneys of the district received by them, or any of them, during the preceding year, and of the disbursements made by them, with the items of such receipts and disbursements. Such report shall also contain a statement of all taxes assessed upon the taxable property of the district

during the preceding year, the purposes for which such taxes were assessed, and the amount assessed for each particular purpose, and said report shall be entered by the director in the records of the district.

(56.) § 4678. SEC. 13. The district board shall hire and contract with such duly qualified teachers as may be required; and all contracts shall be in writing and signed by a majority of the board in behalf of the district. Said contracts shall specify the wages agreed upon and shall require the teacher to keep a correct list of the pupils, grading and the age of each, attending the school, and the number of days each pupil is present, the aggregate attendance, average daily attendance and percentage of attendance, and to furnish the director with a correct copy of the same at the close of school. Said contract shall be filed with the director and a duplicate copy of the contract shall be furnished to the teacher. No contract with any person not holding a legal certificate of qualification then authorizing such person to teach, or with any member of the district board, shall be valid, and all such contracts shall terminate, if the certificate shall expire by limitation and shall not immediately be renewed, or if it shall be suspended or revoked by proper legal authority. A school month within the meaning of the school laws shall consist of four weeks of five days in each week, unless otherwise specified in the teacher's contract.

Board to hire teachers.

Contracts. School register to be kept.

Record of attendance.

Contract to be filed.

Teacher must have legal certificate.

School month defined.

Am. 1901, Acts 62 and 146.

HIRE AND CONTRACT: The district in its corporate capacity is a necessary party to the contract.—Wall v. Eastman, 1 / 270. A teacher can be lawfully employed only by convening the board.—Hazen v. Lerche, 47 / 626. Contracts may be made before the beginning of the school year.—Sch. Dist. v. Cook, 47 / 112; Tappan v. Sch. Dist., 44 / 500; Cleveland v. Amy, 88 / 376; Farrell v. Sch. Dist., 98 / 45. The power to employ teachers conferred upon district boards of primary schools by this section is co-extensive with that conferred upon the boards of trustees of graded schools by Section 4748.—Id. 376. Where a contract was signed by the director and the teacher, the moderator wrote "approved" upon it and subscribed it as moderator, such approval and signature was treated as, in legal effect, a signing of the contract.—Everett v. Sch. Dist., 30 / 249. When the contract is signed by a majority of the board only.—Crane v. Sch. Dist., 61 / 299. Simultaneous signing is not necessary.—Holloway v. Sch. Dist., 62 / 155; Everett v. Sch. Dist., 30 / 249. It is the business of school districts to keep up public schools, and it is the duty of the officers to provide teachers and to make contracts with them. It is their duty to know under what conditions a teacher, whom they know to be teaching, claims to act.—Holloway v. Sch. Dist., 62 / 155. A teacher has a right to suppose his contract to be a valid one when it is signed by a sufficient number of officers and he is, with the personal knowledge of the whole board, permitted and encouraged to go on.—Id. 156. A contract valid on its face, actually carried out in full with the acquiescence of all concerned, cannot be subsequently repudiated.—Id. The provision that the contract shall require the teacher to keep a list of the pupils, etc., is merely directory. Its omission will not invalidate the contract.—Everett v. Sch. Dist., 30 / 249. A district school board cannot discharge a teacher for incompetency, in the absence of a provision to that effect in the contract.—Carver v. Sch. Dist., 113 / 524. Where a contract has been terminated by the board, mandamus will not lie to review the board's action and compel payment of salary claimed under the contract.—Coffin v. Detroit Bd. of Ed., 114 / 342; Langston v. Sch. Dist. No. 3 of Springwells, 121 / 654. A resolution to hire does not constitute a contract. All contracts must be in writing.—Langston v. Sch. Dist. No. 3 of Springwells, 121 / 654.

QUALIFIED TEACHER: A teacher suing for his wages need not make proof of his certificate, but the granting of it may be proved by parol.—Sch. Dist. v. Cook, 47 / 112. Normal school certificate not filed or recorded in the proper office (see How. 4969) until after contract made.—Smith v. Sch. Dist., 69 / 591. Since the statute makes invalid a contract, where the teacher holds no legal certificate, such contract cannot be made the basis of a recovery of salary.—Bryan v. Sch. Dist., 111 / 67.

HOLIDAYS AND INTERRUPTIONS: Teaching contracts for stated periods, are subject to the observance of recognized holidays and there can be no deductions for such occasions from a teacher's wages.—Sch. Dist. v. Gage, 39 / 484; Holloway v. Sch. Dist., 62 / 156. Suspension of school during the prevalence of smallpox is no defense to the payment of the teacher's wages for the time the school is closed.—Dewey v. Sch. Dist., 43 / 480. Payment of wages after the burning of the school-house.—Smith v. Sch. Dist., 69 / 589.

WAGES NOT GARNISHABLE: A teacher's wages cannot be reached by garnishment.—Sch. Dist. v. Gage, 43 / 484.

Care and use
of school-
house.

(57.) § 4679. SEC. 14. The district board shall provide a water supply for pupils, have the care and custody of the school-house and other property of the district, except so far as the same shall by vote of the district be especially confided to the custody of the director, including all books purchased for the use of indigent pupils, and shall open the school-house for public meetings unless by a vote at a district meeting it shall be determined otherwise: Provided, That said board may exclude such public meetings during the five school days of each week of any and all school terms, or such parts thereof as in their discretion they may deem for the best interest of the schools.

Board may
exclude public
meetings at
certain times.

Am. 1901, Act 146.

The board has the care and custody of all the property and moneys of the district, except what may be especially confided to the director.—Maynard v. Woodward, 36 / 424; Eckhardt v. Darby, 118 / 199.

Board to
specify
studies, etc.

(58.) § 4680. SEC. 15. The district board shall specify the studies to be pursued in the schools of the district [districts], and in addition to the branches in which instruction is now required by law to be given in the public schools of the state, instruction shall be given in physiology and hygiene, with a special reference to the nature of alcohol and narcotics, and their effects upon the human system. Such instruction shall be given by the aid of text-books in the case of pupils who are able to read, and as thoroughly as in other studies pursued in the same school. The text-books to be used for such instruction shall give at least one-fourth of their space to the consideration of the nature and effects of alcoholic drinks and narcotics, and the books used in the highest grade of graded schools shall contain at least twenty pages of matter relating to this subject. Text-books used in giving the foregoing instructions shall first be approved by the state board of education. Each school board making a selection of text-books under the provisions of this act shall make a record thereof in their proceedings, and text-books once adopted under the provisions of this act shall not be changed within five years, except by the consent of a majority of the qualified voters of the district present at an annual meeting, or at a special meeting called for that purpose. The district board shall require each teacher in the public schools of such district, before placing the school register in the hands of the directors [director], as provided in section thirteen of this act, to certify therein whether or not instruction has been given in the school

Kind of
text-books
to be used.

Text-books,
by whom
approved, etc.

Board to
require
teacher to
certify, etc.

or grade presided over by such teacher, as required by this act, and it shall be the duty of the director of the district to file with the township clerk a certified copy of such certificate. Any school board neglecting or refusing to comply with any of the provisions of this act shall be subject to fine or forfeiture the same as for neglect of any other duty pertaining to their office. This act shall apply to all schools in the state, including schools in cities or villages, whether incorporated under special charter or under the general laws.

Punishment for neglect, etc.

Am. 1883, Act 93; 1887, Act 165.
Western Pub. House v. Sch. Dist., 94 / 265. This section applies to city schools organized under a special charter which does not provide for an annual school meeting.—Jones v. Board of Ed. of Detroit, 88 / 373. The power to adopt text-books is conferred by law and cannot be affected by any rule of the board of education fixing a time for the reconsideration of motions and resolutions.—Id. 347. As to suspensions of by-law regulating adoption of text-book, see Kendall v. Board of Education, 106 / 681.

(59.) § 4681. SEC. 16. The district board may purchase at the expense of the district, such text-books as may be necessary for the use of children when parents are not able to furnish the same, and they shall include the amount of such purchase in the report to the township clerk or clerks, to be levied in like manner as other district taxes.

Purchase of books for poor children.

(60.) § 4682. SEC. 17. The district board shall have the general care of the school, and shall make and enforce suitable rules and regulations for its government and management, and for the preservation of the property of the district. Said board may authorize or order the suspension or expulsion from the school, whenever in its judgment the interests of the school demand it, of any pupil guilty of gross misdemeanor or persistent disobedience. Any person who shall disturb any school by rude and indecent behavior, or by profane or indecent discourse, or in any other way make such disturbance, shall, on conviction thereof, be punished by a fine not less than two nor more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days.

Board to establish rules for school.

May suspend or expel disorderly pupils.

Penalty for disturbing schools.

EXPULSION: It is not necessary that a pupil be guilty of a criminal act before he can be suspended or expelled from school. He must be guilty of some wilful or malicious act of detriment to the school and the misconduct must be gross—something more than a petty or trivial offense against the rules—or he must be persistent in his disobedience of the proper and reasonable rules and regulations of the school. A boy cannot be expelled or suspended for a careless act, no matter how negligent, if it is not wilful or malicious.—Holman v. Sch. Dist., 77 / 609.

MISDEMEANOR: The meaning of the word "misdemeanor" in this section is gross misconduct or gross misbehavior, not necessarily a criminal act.—Holman v. Sch. Dist., 77 / 606-7.

George R. Mathews v. Board of Education of School District No. 1 of the City and Township of Kalamazoo.

The ruling of the school board of 1894 required all children to be vaccinated before attending the public school. George Mathews, having three children of school age who had not been vaccinated, brought mandamus proceedings in the circuit court to compel the school board to admit the children to the public school. Case decided in the supreme court July 10, 1901. Decision: That school board under paragraph 4682 of the Compiled Laws had no authority to compel children to be vaccinated before entering public schools. It is the opinion of the court, however, that in case there had been an epidemic of small-pox in the city at that time the board would have the authority to temporarily close the school, or say who shall be excluded from the school until the epidemic is passed.

Who can attend school.

No separate school on account of race, etc. Grading not prevented.

(61.) § 4683. SEC. 18. All persons residents of any school district, and five years of age, shall have an equal right to attend any school therein; and no separate school or department shall be kept for any persons on account of race or color: Provided, That this shall not be construed to prevent the grading of schools according to the intellectual progress of the pupil, to be taught in separate places as may be deemed expedient.

It is the requirement of the general law that the right to attend the schools shall be possessed equally and impartially by all classes of residents.—*People v. Detroit Bd. of Ed.*, 18 / 413. And mandamus will lie at the instance of a father to compel the admission of his child to school.—Id.

District boards may admit non-resident pupils and make rates of tuition.

Children who are a county charge to be admitted the same as non-resident pupils.

(62.) § 4684. SEC. 19. The district board may admit to the district school non-resident pupils, and may determine the rates of tuition of such pupils and collect the same, which tuition shall not be greater than fifteen per cent more than the average cost per capita for the number of pupils of school age in the district. Children who are being cared for at county expense shall be admitted to the school in the district whose school-house is nearest the county house, on the same terms that other non-resident pupils are admitted. When non-resident pupils, their parents or guardians, pay a school tax in said district, such pupils shall be admitted to the schools of the district, and the amount of such school tax shall be credited on their tuition a sum not to exceed the amount of such tuition, and they shall only be required to pay tuition for the difference therein.

Am. 1891, Act 21; 1895, Act 131.

TUITION: Before any action can be maintained for the tuition of non-resident pupils, the district board must first fix and determine the rate of tuition of such pupils, by resolution of the board properly recorded by the director in the records of the district.—*Thompson v. Sch. Dist.*, 25 / 483.

MODERATOR.

Moderator.

(63.) § 4685. SEC. 20. It shall be the duty of the moderator of each school district:

To preside.

First, To preside, when present, at all meetings of the district and of the board;

To countersign warrants and orders.

Second, To countersign all orders legally drawn by the director upon the assessor for moneys to be disbursed by the district, and all warrants of the director upon the township treasurer for moneys raised for district purposes, or apportioned to the district by the township clerk;

To bring suit on assessor's bond.

Third, To cause an action to be prosecuted in the name of the district on the assessor's bond, in case of any breach of any condition thereof;

Other duties.

Fourth, To perform such other duties as are or shall be by law required of the moderator.

SECOND: Countersigning orders.—*Wall v. Eastman*, 1 / 268; *Sch. Dist. v. Mallary*, 22 / 111. The moderator has the right to satisfy himself that the claim for which the order was drawn is a valid one.—*Stockwell v. White Lake Twp. Bd.*, 22 / 341; *People v. Bender*, 36 / 195. But it must be a very

plain case of wrong, where the moderator can refuse to enable the district to obtain its own funds.—*People v. Bender*, 36 / 197. The director is a proper relator for mandamus to compel the moderator to countersign.—*Id.*

DIRECTOR.

(64.) § 4686. SEC. 21. It shall be the duty of the director of each school district:

First, To act as clerk, when present, at all meetings of the district and of the board; Director to be clerk.

Second, To record the proceedings of all district meetings, and the minutes of all meetings, orders, resolutions, and other proceedings of the board, in proper record books; To keep and record minutes.

Third, To give the prescribed notice of the annual district meeting, and of all such special meetings as he shall be required to give notice of in accordance with the provisions of law; To give notice of meetings.

Fourth, To draw and sign warrants upon the township treasurer for all moneys raised for district purposes, or apportioned to the district by the township clerk, payable to the treasurer of the district, and orders upon the treasurer for all moneys to be disbursed by the district and present them to the moderator, to be countersigned by that officer. Each order shall specify the object for which, and the fund from which, it is drawn; To draw and sign warrants and orders.

Fifth, To draw and sign all contracts with teachers, when directed by the district board, and present them to the other members of the board for further signature; To draw and sign contracts.

Sixth, To provide the necessary appendages for the school-house and keep the same in good condition and repair during the time school shall be taught therein. Necessary appendages within the meaning of law shall consist of the following articles, to wit: A set of wall maps (the grand divisions, the United States and Michigan) not exceeding twelve dollars in price; a globe not exceeding eight dollars, a dictionary not exceeding ten dollars; a reading chart not exceeding five dollars, and a case for library books not exceeding ten dollars; also looking-glass, comb, towel, water pail, cup, ash pail, poker, stove shovel, broom, dustpan, duster, wash basin and soap; To provide appendages and keep school-house in repair.

Seventh, To keep an accurate account of all expenses incurred by him as director, and such account shall be audited by the moderator and treasurer, and on their written order shall be paid out of any money provided for the purpose; To keep account.

Eighth, To present at each annual meeting an estimate of the expenses necessary to be incurred during the ensuing year by the director as provided by law, and for the payment of the services of any district officer; To present estimate of expenses to annual meeting.

Ninth, To preserve and file copies of all reports made to the school inspectors, and safely preserve and keep all books, papers and other documents belonging to the office of director, To preserve records and other documents.

or to the district when not otherwise provided for, and to deliver the same to his successor in office;

Other duties. Tenth, To perform such other duties as are or shall be required of the director by law or the district board.

Am. 1895, Act 258; 1901, Act 165.

SECOND: Proceedings which are required to be recorded cannot be proved by parol.—Thompson v. Sch. Dist., 25 / 488.

FOURTH: The warrant for payment by the treasurer to the assessor of moneys belonging to the district, is an official order for the transfer of funds, not negotiable and not legally payable to any person but the officer named.—Fox v. Shipman, 19 / 218; Burns v. Bender, 36 / 195. See Sch. Dist. v. Mallary, 23 / 111; Sch. Dist. v. Sch. Dist., 40 / 551. The duty of procuring this transfer of district moneys, within some reasonable time is not discretionary, but absolute, upon the director, and the moderator is bound to countersign all orders of the director for that purpose.—Burns v. Bender, 36 / 197. The township treasurer must pay so much of the money in his hands as is covered by the director's warrant in proper form, even though it does not specify a precise sum, but is for all such money in his hands as was raised for the purposes of the district.—Bryant v. Moore, 50 / 225. The disbursement of all school moneys must be made upon orders drawn on the assessor by the director, countersigned by the moderator.—Burns v. Bender, 36 / 195; Midland Sch. Dist. v. Sch. Dist., 40 / 551; Sch. Dist. v. Mallary, 23 / 111.

SIXTH: See section 4665, subd. 7. See, also, Sch. Dist. v. Snell, 24 / 350; Cent. Sch. Supply House v. Sch. Dist., 99 / 402. Removal of director from office for persistent refusal and neglect to put the furniture, etc., of the school-house in order and repair.—Twp. Board of Hamtramck v. Hollman, 46 / 127.

SEVENTH: Assumpsit will lie in favor of the director of a school district on a disputed claim, the moderator and assessor having declined to pass upon the same as an entirety under this subdivision.—Van Wert v. Sch. Dist., 100 / 332.

EIGHTH: Prior to 1859, no provisions of law existed for paying any of the officers for services rendered.—Hinman v. Sch. Dist., 4 / 168.

When census of school children to be taken.

(65.) § 4687. SEC. 22. It shall be the duty of the director or such other person as the district board may appoint, within ten days next previous to the first Monday in September in each year to take the census of the district and make a list in writing of the names, ages and residences of all the children between the ages of five and twenty years residing therein, and also the names and residences, giving street and number in cities and villages, of all the parents or guardians of such children and a copy of said list shall be verified by the oath or affirmation of the person taking such census, by affidavit appended thereto or endorsed thereon, setting forth that it is a correct list of the names and residences of all children between the ages aforesaid, residing in the district, which affidavit may be made before the clerk of the township; and said list shall be returned with the annual report of the director to the township clerk. Children in almshouses, prisons, or asylums, not otherwise resident of the district and not attending school shall not be included in said census; nor shall Indian children be included, unless they attend the school or their parents are liable to pay taxes therein.

Persons taking census to make affidavit as to correctness of list.

What children not to be included in census.

Am. 1897, Act 66.

Penalty for giving false information as to children.

(66.) § 4688. SEC. 22a. Any person intentionally giving to any census enumerator of school children any false information as to the names or ages of school children, or as to the names or residence of the parents or guardian of any school children, or any enumerator who shall perform his duties

carelessly or negligently, shall be guilty of a misdemeanor, and upon conviction thereof, be liable to a fine of not more than five dollars or to imprisonment in the county jail for not more than five days, in the discretion of the court.

Added 1897, Act 66.

(67.) § 4689. SEC. 23. The director shall also, at the end of the school year, and previous to the second Monday in September in each year, deliver to the township clerk, to be filed in his office, a report to the board of school inspectors of the township, showing:

To make annual reports to inspectors.

First, The whole number of children belonging to the district between the ages of five and twenty years, according to the census taken as aforesaid;

Contents of.

Second, The number attending school during the year under five, and also the number over twenty years of age;

Third, The number of non-resident pupils of the district that have attended school during the year;

Fourth, The whole number that have attended school during the year;

Fifth, The length of time the school has been taught during the year by a qualified teacher, the name of each teacher, the length of time taught by each, and the wages paid to each;

Sixth, The average length of time scholars, between five and twenty years of age, have attended school during the year;

Seventh, The amount of money received from the township treasurer apportioned to the district by the township clerk;

Eighth, The amount of money raised by the district, and the purposes for which it was raised;

Ninth, The kind of books used in the school;

Tenth, Such other facts and statistics in regard to the schools and the subject of education as the superintendent of public instruction shall direct.

(68.) § 4690. SEC. 24. The director of each fractional district shall make his annual report to the clerk of the township in which the school-house is situated, and shall also report to the clerk of each township in which the district is in part situated, the number of children between the ages of five and twenty years in that part of the district lying in such township.

Where director of fractional district to report.

TREASURER.*

(69.) § 4691. SEC. 25. It shall be the duty of the treasurer of each school district:

Treasurer.

First, To execute to the district and file with the director, within ten days after his election or appointment, a bond in double the amount of money to come into his hands as such treasurer during his term of office, as near as the same can be

To give bond.

*Note.—The evident intent of Act No. 165, P. A. 1901, was to change the word "assessor" to "treasurer" wherever it appeared in Act No. 164, P. A. 1881. Inasmuch as the above act only amended certain sections, the word "assessor" remains in sections not affected.—Comp.

Bond to be approved.

ascertained, with two sufficient sureties who shall be residents of the same county, unless the assessor [treasurer] shall furnish a bond of some surety company authorized to do business in this state, to be approved by the moderator and director, conditioned for the faithful application of all moneys that shall come into his hands by virtue of his office, and to perform all the duties of his said office as required by the provisions of this act. Said bond shall be filed with the director, and in case of any breach of the condition thereof, the moderator shall cause a suit to be commenced thereon in the name of the district, and any moneys collected thereon shall be paid into the township treasury, subject to the order of the district officers, and shall be applied to the same purposes as the moneys lost should have been applied by the assessor [treasurer];

Bond filed with director.

When suit to be brought thereon.

To pay proper orders.

Second, To pay all orders of the director, when lawfully drawn and countersigned by the moderator, out of any moneys in his hands belonging to the fund upon which such orders may be drawn;

To keep record of receipts and disbursements.

Third, To keep a book in which all the moneys received and disbursed shall be entered, the sources from which the same have been received, and the persons to whom and the objects for which the same have been paid;

To make annual report to district board.

Fourth, To present to the district board at the close of the school year a report in writing, containing a statement of all moneys received during the preceding year, and of each item of disbursements made, and exhibit the voucher therefor;

To appear for district in suits.

Fifth, To appear for and on behalf of the district in all suits brought by or against the same, when no other directions shall be given by the qualified voters in district meeting, except in suits in which he is interested adversely to the district, and in all such cases the moderator shall appear for such district, if no other direction be given as aforesaid;

Sixth, At the close of his term of office to settle with the district board, and deliver to his successor in office all books, vouchers, orders, documents, and papers belonging to the office of treasurer, together with all district moneys remaining on hand;

Other duties.

Seventh, To perform such other duties as are or shall be by law required of the treasurer.

Am. 1901, Act 62, 165.

FIRST: An assessor cannot lawfully withhold the district funds in his hand when demanded by his successor, upon a claim that he is entitled to be personally notified of such election and acceptance of office. He is chargeable with notice of such facts and is liable to an action for money had and received, as well as action on his bond.—Mason v. Sch. Dist., 34 / 228. See Welch v. Frost, 1 / 30; also Bryant v. Moore, 50 / 225.

SECOND: See Section 4685, subd. 2, and Section 4686, subd. 4, and notes. The assessor is the disbursing officer of the district.—Sch. Dist. v. Mallary, 23 / 111. He is the lawful treasurer and depository of school district funds and all moneys must pass through his hands and be paid out by him on proper orders.—Sch. Dist. v. Sch. Dist., 40 / 551. Moneys in the hands of the township treasurer belonging to a school district cannot be applied to any district purpose, except through the hands of the assessor.—Burns v. Bender, 36 / 198. An assessor cannot pay out any money lawfully without a warrant.—Id. Interest is not payable on school district orders if no authority

has been given to impose it.—*Turnbull v. Sch. Dist.*, 45 / 496. But interest may be allowed from demand when mandamus is granted for payment, when its claim is such a settled demand as would sustain a recovery of interest at law.—*Martin v. Tripp*, 51 / 184. Mandamus lies to compel a district to pay or provide for the payment of its orders.—*Turnbull v. Sch. Dist.*, 45 / 496. And to compel an assessor to pay a school order, where the court is satisfied that there is no valid defense.—*Martin v. Tripp*, 51 / 184. A showing of a want of funds is a complete answer to an application for mandamus to require an assessor to pay a warrant drawn on him.—*Allen v. Frink*, 32 / 96.

FIFTH: The management and control of suits is specially confided to the assessor, when no other direction is given in district meeting; the moderator and director, though constituting a majority of the district board, have no authority to take the defense of a suit from the assessor. And the voters, as such, cannot interfere.—*Sch. Dist. v. Wing*, 30 / 351. See *Benalleck v. People*, 31 / 204. An appeal taken in the name of the district without the authority of the assessor, if he is competent to act, is void.—*Id.* Whether he is a proper relator for mandamus to compel the moderator to sign the director's warrants, see *Burns v. Bender*, 36 / 197.

TOWNSHIP OFFICERS—TOWNSHIP BOARD OF SCHOOL INSPECTORS.

(70.) § 4692. SECTION 1. The school inspectors of each township, together with the township clerk, shall constitute the township board of school inspectors. Said board shall meet at the office of the township clerk within twenty days after the first Monday of April in each year, and elect one of their number other than the township clerk chairman of said board, and the township clerk shall be the clerk thereof.

Township board school inspectors. Meeting and organization of.

Am. 1883, Act 9; 1885, Act 96.

(71.) § 4693. SEC. 2. The chairman of said board shall be the treasurer thereof, and shall give bond to the township in double the amount of moneys to come into his hands during his term of office, as near as the same can be ascertained, with two sufficient sureties, to be approved by the township clerk, conditioned for the faithful appropriation of all moneys that may come into his hands by virtue of his office. Said bond shall be filed with the township clerk, and in case of the non-fulfillment thereof, said clerk shall cause a suit to be commenced thereon, and the moneys collected in such suit shall be paid into the township treasury, and shall be applied to the same purposes as the moneys lost should have been applied by said treasurer of the board of school inspectors.

Chairman of board to be treasurer. To give bond.

Bond to be filed.

When suit to be brought thereon.

The treasurer of the board of school inspectors, and not the township treasurer, is the proper custodian of the township library money; and the latter officer, on proper demand, is bound to pay it over to the former and is not entitled to hold it until drawn by the inspectors as needed for specific appropriations. Mandamus will lie to enforce the performance of this duty.—*McPharlin v. Mahoney*, 30 / 100. See *Burns v. Bender*, 36 / 195.

(72.) § 4694. SEC. 3. On the third Monday in September in each year the inspectors shall make triplicate reports, setting forth the whole number of districts in their townships, the amount of money raised and received for township and district libraries, and such other items as shall from year to year be required by the superintendent of public instruction, together with the several particulars set forth in the reports of the school directors for the preceding year; and the township clerk shall, within ten days thereafter, forward two

Inspectors to make triplicate reports.

Township clerks, duties relative thereto.

copies of the same to the secretary of the county board of school examiners, and file the other copy in his office.

Inspectors to examine list of qualified teachers.

(73.) § 4695. SEC. 4. It shall be the duty of the school inspectors, before making their annual report, as required by the preceding section, to examine the list of legally qualified teachers on file in the office of the township clerk, and if in any school district a school shall not have been taught for the time required by law during the preceding school year by a legally qualified teacher, no part of the public money shall be distributed to such district, although the report from such district shall set forth that a school has been so taught; and it shall be the duty of the board to certify to the facts in relation to any such district in their annual report.

To report districts not employing such.

Inspectors to render account to township board.

(74.) § 4696. SEC. 5. It shall be the duty of the board of inspectors to render to the township board, on the Tuesday next preceding the annual township meeting, a full and true account of all moneys received and disbursed by them as such inspectors during the year, which account shall be settled by said township board, and such disbursements allowed, if the proper vouchers are presented.

Number of meetings of inspectors.

(75.) § 4697. SEC. 6. The whole number of meetings of the township board of school inspectors at the expense of the township, during any one school year, shall not exceed eight; but this shall not be construed to prevent said board holding further meetings in case of necessity, provided no expense to the township be incurred.

Notice of meeting, see Section 4653. Comp. Section 31.

TOWNSHIP CLERK.

Township clerk to be clerk of board of inspectors.

(76.) § 4698. SEC. 7. The township clerk shall be the clerk of the board of school inspectors by virtue of his office, and shall attend all meetings of said board, and, under their direction, prepare all their reports and record the same, and shall record all their proceedings. He shall also receive and keep all reports to inspectors from the directors of the several school districts in his township, and all the books and papers belonging to the inspectors, and file such papers in his office; and he shall receive all such communications, blanks, and documents as may be transmitted to him by the superintendent of public instruction, and dispose of the same in the manner directed by said superintendent.

Duties as such.

To notify county clerk of chairman of board of inspectors.

(77.) § 4699. SEC. 8. It shall be the duty of the township clerk annually, immediately after the organization of the board of school inspectors of his township, to transmit to the county clerk a certified statement of the name and post-office address of the chairman of said board, and in case there shall be a change in such chairman, during the year, he shall immediately notify the county clerk of such change.

To make map of districts.

(78.) § 4700. SEC. 9. Each township clerk shall cause a map to be made of this township, showing by distinct lines

thereon the boundaries of each school district, and parts of school districts therein, and shall regularly number the same thereon as established by the inspectors. One copy of such map shall be filed by the said clerk in his office, and one other copy he shall file with the supervisor of the township; and within one month after any division or alteration of a district, or the organization of a new one in his township, the said clerk shall file a new map and copy thereof as aforesaid, showing the same.

Where map to be filed.

When new map to be made.

That certain lands are within a particular school district may be shown by parol, without producing maps, plats or documents.—*Brooks v. Fairchild*, 36 / 234.

(79.) § 4701. SEC. 10. It shall be the duty of the township clerk of each township, on or before the first day of October of each year, to make and deliver to the supervisor of his township a certified copy of all statements on file in his office of moneys proposed to be raised by taxation in each of the several school districts of the township for school purposes. He shall also certify to the supervisor the amount to be assessed upon the taxable property of any school district retaining the district school-house or other property, on the division of the district, as the same shall have been determined by the inspectors, and he shall also certify the same to the director of such district, and to the director of the district entitled thereto.

To report to supervisor all school taxes.

(80.) § 4702. SEC. 11. On receiving notice from the county treasurer of the amount of school moneys apportioned to his township the township clerk shall apportion the same amount to the several districts therein entitled to the same in proportion to the number of children in each between the ages of five and twenty years, as the same shall be shown by the annual report of the director of each district for the school year closing prior to the May apportionment.

To apportion school moneys received from county treasury.

Am. 1887, Act 92.
Apportionment by superintendent of public instruction.—*Molles v. Watson*, 60 / 415.

(81.) § 4703. SEC. 12. Said clerk shall also apportion to the school districts in his township, as required by law, on receiving notice of the amount from the township treasurer, all moneys raised by township tax, or received from other sources, for the support of schools; and in all cases make out and deliver to the township treasurer a written statement of the number of children in each district drawing money, and the amount apportioned to each district, and record the apportionment in his office; and whenever an apportionment of the primary school interest fund, or moneys raised by tax, or received from other sources, is made, he shall give notice of the amount to be received by each district to the director thereof.

To apportion school taxes.

Statement to township treasurer.

To notify directors of amount apportioned districts.

TOWNSHIP SUPERVISOR AND TREASURER.

Assessment
and collection
of district
taxes.

(82.) § 4704. SEC. 13. It shall be the duty of the supervisor of the township to assess the taxes voted by every school district in his township, and also all other taxes provided for in this act, chargeable against such district or township, upon the taxable property of the district or township respectively, and to place the same on the township assessment roll in the column for school taxes, and the same shall be collected and returned by the township treasurer in the same manner and for the same compensation as township taxes. If any taxes provided for by law for school purposes shall fail to be assessed at the proper time, the same shall be assessed in the succeeding year.

Taxes not
assessed at
proper time.

FAILURE TO ASSESS: The provision in the last clause of this section applies to a case where school taxes are not certified by the board to the township clerk in time for certification to the supervisor for assessment.—*Wilcox v. Eagle Twp.*, 81 / 271. See *Union Sch. Dist. v. Parria*, 97 / 596.

Assessment of
one-mill tax.

(83.) § 4705. SEC. 14. The supervisor shall also assess upon the taxable property of his township one mill upon each dollar of the valuation thereof in each year, and report the aggregate valuation of each district to the township clerk, who shall report said amount to the director of each school district in his township, or to the director of any fractional school district, a portion of which may be located in said township, before the first day of September of each year; and all moneys so raised shall be apportioned by the township clerk to the district in which it was raised, and all money collected by virtue of this act during the year on any property not included in any organized district, or in districts not having, during the previous school year, three months' school in districts having less than thirty children, or five months' school in districts having thirty, and less than eight hundred children, or nine months' school in districts having eight hundred or more children, as shown by the last school census, shall be apportioned to the several other school districts of said township in the same manner as the primary school interest fund is now apportioned. All moneys accruing from the one-mill tax in any township before any district shall have a legal school therein shall belong to the district in which it was raised when they shall severally have had a three months' school by a qualified teacher.

Moneys to be
apportioned by
town clerk.

In township
where no
districts are
formed.

Am. 1887, Act 84.

See *Saginaw Twp. v. Saginaw*, 9 / 541; *Twp. of Deerfield v. Harper*, 115 / 678.

When district
is divided
certain taxes
to be assessed.

(84.) § 4706. SEC. 15. The amount to be assessed upon the taxable property of any school district retaining the school-house or other property, on the division of a district, as the same shall have been determined by the inspectors, shall be assessed by the supervisor in the same manner as if

the same had been authorized by a vote of such district; and the money so assessed shall be placed to the credit of the taxable property taken from the former district, and shall be in reduction of any tax imposed in the new district on said taxable property for school district purposes: *Provided, That if the district retaining the school-house shall vote to pay, and shall pay, before said taxes are assessed, any portion of said amount to the new district, said amount, as shall be certified by the moderator and director of the new district to the supervisor, shall be deducted from the amount to be assessed as provided in this section. When collected, such amount shall be paid over to the treasurer of the new district, to be applied to the use thereof in the same manner, under the direction of its proper officers, as if such sum had been voted and raised by said district for building a school-house or other district purposes.*

Proviso.

How such taxes to be applied.

Am. 1901, Act 165.

NEW DISTRICT: The money when collected, must be paid to the assessor of the new district; and if wrongfully paid to the old one, the new district may maintain an action for money had and received, against the old district.—Sch. Dist. v. Sch. Dist., 40 / 551.

(85.) § 4707. SEC. 16. The full amount of all taxes to be levied upon the taxable property in a fractional school district shall be certified by the district board to the township clerk of each township in which such district is in part situated, and by such township clerks to the supervisors of their respective townships, and it shall be the duty of each of said supervisors to certify to each other supervisor interested, the amount of taxable property in that part of the district lying in his township: *Provided, That when there exists a manifest difference in the valuation of property assessed in fractional districts, composed of territory in adjoining townships or counties, such valuation shall be equalized for this specific purpose by the supervisors of the townships interested at a joint meeting held for that purpose, on application of either of the supervisors of said townships. And such supervisors shall respectively ascertain the proportion of such taxes, including mill tax, to be placed on their respective assessment rolls, according to the amount of taxable property in each part of such district. And if said supervisors cannot agree as to the proportion of such taxes to be placed on their respective assessment rolls, a supervisor from an adjoining township shall be called to meet with said supervisors in said fractional district and assist in equalizing said valuation. Said supervisor to be paid at the rate of three dollars per diem for the time necessarily employed in attendance at such meeting of the supervisors, and all necessary traveling expenses, by the townships in interest.*

Taxes in fractional districts.

Proviso.

In cases of disagreement of supervisors.

Am. 1887, Act 38; 1889, Act 162.

(86.) § 4708. SEC. 17. The supervisor, on delivery of the warrant for the collection of taxes to the township treasurer,

Statement to township treasurer.

shall also deliver to said treasurer a written statement of the amount of school and library taxes, the amount raised for district purposes on the taxable property of each district in the township, the amount belonging to any new district on the division of the former district, and the names of all persons having judgments assessed under the provisions of this act upon the taxable property of any district, with the amount payable to such person on account thereof.

Statement
to township
treasurer of
one-mill tax
levied in
fractional
district.

(87.) § 4709. SEC. 18. The supervisor of each township, on the delivery of the warrant for the collection of taxes to the township treasurer, shall also deliver to said treasurer a written statement, certified by him, of the amount of the one-mill tax levied upon any property lying within the bounds of a fractional school district, a part of which is situate within his township, and the returns of which are made to the clerk of some other township; and the said township treasurer shall pay to the township treasurer of such other township the amount of the taxes so levied and certified to him for the use of such fractional school district.

Collection
and appor-
tionment
of taxes on
division of
district.

(88.) § 4710. SEC. 19. Whenever any portion of a school district shall be set off and annexed to any other district, or organized into a new one, after a tax for district purposes other than the payment of any debts of the district shall have been levied upon the taxable property thereof, but not collected, such tax shall be collected in the same manner as if no part of such district had been set off, and the said former district, and the district to which the portion so set off may be annexed or the new district organized from such portion, shall each be entitled to such proportion of said tax as the amount of taxable property in each part thereof bears to the whole amount of taxable property on which such tax is levied.

See Section 4658 and notes. Comp. Section 136.

School taxes
when paid.

(89.) § 4711. SEC. 20. The township treasurer shall retain in his hands, out of the moneys collected by him, after deducting the amount of tax for township expenses, the full amount of the school taxes on the assessment roll, and hold the same subject to the warrant of the proper district officers, to the order of the school inspectors, or of the persons entitled thereto, and give a written notice to the township clerk of the amount.

SCHOOL TAXES: The township treasurer has no right to receive for school moneys anything which the law has not authorized to be received. If he does so and receipts for the taxes, he must make good the amount.—*Jones v. Wright*, 34 / 372; *Sch. Dist. v. Sch. Dist.*, 40 / 554. See *Elliott v. Miller*, 8 / 132, and notes to Section 2353. The liability of a township treasurer for school moneys is distinct from his ordinary liability for township moneys, and it cannot be released or in any way affected by the action of the township board.—*Jones v. Wright*, 34 / 372. As to the custody, etc., of school district moneys, see notes to Section 4686, subd. 4; Section 4691, subd. 1, 2; and Section 4694.

EXPLANATORY NOTE BY SUPERINTENDENT OF PUBLIC INSTRUCTION.—Section 20 is practically superseded by Section 52 of Act No. 206. Public Acts of 1893, which reads as follows: "In case the township treasurer shall not

collect the full amount of taxes required by his warrant to be paid into the township treasury, such portion thereof as he shall collect shall be retained by him to be paid out for the following purposes: The amount of school taxes collected to be paid on the order of the school district officers, the amount collected for general township purposes to be paid on the order of the township board, the amount collected for highway purposes to be paid on the order of the commissioner of highways countersigned by the township clerk or supervisor, and the amount collected for any special fund to be paid on the order of the proper officer; but in no case shall the amounts collected for any one fund be paid on the orders drawn on any other fund."

(90.) § 4712. SEC. 21. The township treasurer shall, from time to time, apply to the county treasurer for all school and library moneys belonging to his township, or the districts thereof; and on receipt of the moneys to be apportioned to the districts, he shall notify the township clerk of the amount to be apportioned.

Township treasurer to apply to county treasurer for moneys.

To notify township clerk of moneys.

(91.) § 4713. SEC. 22. Each treasurer of a township, to the clerk of which the returns of any fractional school district shall be made, shall apply to the treasurer of any other township in which any part of such fractional school district may be situated, for any money to which such district may be entitled; and when so received it shall be certified to the township clerk, and apportioned in the same manner as other taxes for school purposes.

Moneys due fractional districts.

COUNTY CLERK AND TREASURER.

(92.) § 4714. SECTION 1. It shall be the duty of each county clerk to receive all such communications, blanks, and documents as may be directed to him by the superintendent of public instruction, and dispose of the same in the manner directed by said superintendent.

County clerk to receive and dispose of communications, etc.

(93.) § 4715. SEC. 2. The clerk of each county shall, on receiving from the secretary of the county board of school examiners the annual reports of the several boards of school inspectors, file the same in his office. On receiving notice from the superintendent of public instruction of the amount of moneys apportioned to the several townships in his county he shall file the same in his office, and forthwith deliver a copy thereof to the county treasurer.

County clerk to examine reports, etc.

Notice of apportionment of moneys.

Am. 1887, Act 266.

(94.) § 4716. SEC. 3. The several county treasurers shall apply for and receive such moneys as shall have been apportioned to their respective counties, when the same shall be come due; and each of said treasurers shall immediately give notice to the treasurer and clerk of each township in his county, of the amount of school moneys apportioned to his township, and shall hold the same subject to the order of the township treasurer.

County treasurer to apply for moneys appropriated.

To notify township clerk of amounts.

BONDED INDEBTEDNESS OF DISTRICTS.

Two-thirds
vote required
to borrow
money.

Indebtedness
incurred by
district re-
stricted to
a certain
amount.

Indebtedness
shall not ex-
tend beyond
ten years.

Who to consti-
tute board of
inspection.
Poll list and
ballot-box to
be used.
Vote to be
by ballot.
Canvass how
conducted.

(95.) § 4717. SECTION 1. *The People of the State of Michigan enact:* That any school district may, by a two-thirds vote of the qualified electors of said district present at any annual meeting, or at a special meeting called for that purpose, borrow money, and may issue bonds of the district therefor, to pay for a school house site or sites, and to erect and furnish school buildings as follows: Districts having less than thirty children between five and twenty years of age may have an indebtedness not to exceed three hundred dollars; districts having thirty children of like age may have an indebtedness not to exceed five hundred dollars; districts having forty children of like age may have an indebtedness not to exceed seven hundred fifty dollars; districts having fifty children of like age may have an indebtedness not to exceed one thousand dollars; districts having seventy-five children of like age may have an indebtedness not to exceed two thousand dollars; districts having one hundred children of like age may have an indebtedness not to exceed three thousand dollars; districts having one hundred twenty-five children of like age, and with an assessed valuation of not less than one hundred and fifty thousand dollars, may have an indebtedness not to exceed five thousand dollars; districts having two hundred children of like age may have an indebtedness not to exceed eight thousand dollars; districts having three hundred children of like age may have an indebtedness not to exceed fifteen thousand dollars; districts having four hundred children of like age may have an indebtedness not to exceed twenty thousand dollars; districts having five hundred children of like age may have an indebtedness not to exceed twenty-five thousand dollars; and districts having eight hundred children or more of like age may have an indebtedness not to exceed thirty thousand dollars: Provided, That the indebtedness of a district shall in no case extend beyond ten years for money borrowed: Provided further, That in all proceedings under this section the director, treasurer, and one person appointed by the district board, shall constitute a board of inspection, who shall cause a poll list to be kept and a suitable ballot-box to be used, which shall be kept open two hours. The vote shall be by ballot, either printed or written, or partly printed and partly written, and the canvass of the same shall be conducted in the same manner as at township elections or as the laws governing the same are applicable; and when they are not the board of inspectors shall prescribe the manner in which canvass shall be conducted.

Am. 1887, Act 56; 1893, Act 4; 1899, Act 190; 1901, Act 165.

TWO-THIRDS VOTE: A corporate act, which can be taken only by a two-thirds vote, cannot be rescinded by a bare majority.—Stockdale v. Sch. Dist., 47 / 226.

BONDS: A vote to issue school-district bonds in settlement of a demand, if in excess of the limit fixed by law, may be sustained up to the legal limit.

—Stockdale v. Sch. Dist., 47 / 226. The purchaser of a school district bond has a right to rely upon all facts asserted or appearing upon the face of the bonds, made by any person or body authorized by law to pass upon and determine the facts.—Gibbs v. Sch. Dist., 88 / 336. Detaching a portion of a district and organizing it into or with another township.—People v. Ryan, 19 / 203.

(96.) § 4718. SEC. 2. Whenever any school district shall have voted to borrow any sum of money, the district board of such district is hereby authorized to issue the bonds of such district, in such form, and executed in such manner by the moderator and director of such district, and in such sums, not less than fifty dollars, as such district board shall direct, and with such rate of interest, not exceeding eight per centum per annum, and payable at such time or times as the said district shall have directed.

Issuing bonds for money borrowed.

Interest thereon.

The statute limits the authority of the board, in issuing bonds, to such as are authorized by the district; and, before the board can act, it has a function to perform in its nature somewhat judicial. It must pass upon the question whether the proceedings in voting the bonds are such as will authorize the board to issue them. A purchaser of the bonds, therefore, need look no further back than the face of the bonds for the facts which show a compliance with the law.—Gibbs v. Sch. Dist., 88 / 337.

(97.) § 4719. SEC. 3. Whenever any money shall have been borrowed by any school district, the taxable inhabitants of such district are hereby authorized, at any regular meeting of such district, to impose a tax on the taxable property in such district, for the purpose of paying the principal thus borrowed, or any part thereof, and the interest thereon, to be levied and collected as other school district taxes are collected.

Voters may raise tax to redeem bonds.

(98.) § 4720. SEC. 4. Any school district, whenever it shall appear that the same can be done on terms advantageous to said district, may borrow money to pay any bonded indebtedness of said district then existing, and issue further bonds of said district therefor: Provided, That a majority of the qualified voters of said district shall so determine, at an annual or special meeting called for that purpose; and that the notice of such meeting, whether annual or special, shall state the intention to take such vote.

District may borrow money to pay bonds and issue further bonds.

Proviso.

SUITS AND JUDGMENTS AGAINST DISTRICTS.

(99.) § 4721. SECTION 1. Justices of the peace shall have jurisdiction in all cases of assumpsit, debt, covenant, and trespass on the case against school districts, when the amount claimed, or matter in controversy shall not exceed one hundred dollars; and the parties shall have the same right of appeal as in other cases.

Justices to have jurisdiction in certain cases.

As to corporate powers, etc., see note to Section 4652. Liability for debts after changes made in districts.—See Sections 4657-8 and notes. Action of one district against another for money had and received.—Sch. Dist. v. Sch. Dist., 40 / 551.

(100.) § 4722. SEC. 2. When any suit shall be brought against a school district, it shall be commenced by summons, Suit against district, how commenced.

a copy of which shall be left with the treasurer of the district at least eight days before the return day thereof.

Am. 1901, Act 165.

No execution to issue against district.

(101.) § 4723. SEC. 3. No execution shall issue on any judgment against a school district, nor shall any suit be brought thereon, but the same shall be collected in the manner prescribed in this act.

Treasurer to certify to supervisor judgment against district.

(102.) § 4724. SEC. 4. Whenever any final judgment shall be obtained against a school district, if the same shall not be removed to any other court, the treasurer of the district shall certify to the supervisor of the township and to the director of the district, the date and amount of such judgment, with the name of the person in whose favor the same was rendered, and if the judgment shall be removed to another court, the assessor [treasurer] shall certify the same as aforesaid, immediately after the final determination thereof against the district.

Am. 1901, Act 165.

When treasurer fails to certify, how party may proceed.

(103.) § 4725. SEC. 5. If the treasurer shall fail to certify the judgment as required in the preceding section, it shall be lawful for the party obtaining the same, his executors, administrators, or assigns, to file with the supervisor the certificate of the justice or clerk of the court rendering the judgment, showing the facts which should have been certified by the treasurer.

Am. Id.

How judgment certified in case of fractional district.

(104.) § 4726. SEC. 6. If the district against whom any such judgment shall be rendered is situated in part in two or more townships, a certificate thereof shall be delivered as aforesaid to the supervisor of each township in which such district is in part situated.

Supervisors to assess amount of judgment.

(105.) § 4727. SEC. 7. The supervisor or supervisors receiving either of the certificates of a judgment as aforesaid shall proceed to assess the amount thereof, with interest from the date of the judgment to the time when the warrant for the collection thereof will expire, upon the taxable property of the district, placing the same on the next township assessment roll in the column for school taxes; and the same proceedings shall be had, and the same shall be collected and returned in the same manner as other district taxes.

How collected and returned.

SITES FOR SCHOOL-HOUSES.

Voters to designate sites.

(106.) § 4728. SECTION 1. The qualified voters of any school district, when lawfully assembled, may designate by a vote of two-thirds of those present, such number of sites as may be desired for school-houses, and may change the same by a similar vote at any annual meeting. When no site can be established by such inhabitants as aforesaid, the school inspectors of the township or townships in which the district is situated shall determine where such site shall be, and their determination shall be certified to the director of the district,

When inspectors shall determine site.

and shall be final, subject to alteration afterward by the inspectors, on the written request of two-thirds of the qualified voters of the district, or by two-thirds of the qualified voters agreeing upon a site, at a district meeting lawfully called.

DESIGNATING SITES: See Section 4665, subd. 4. Proceedings to condemn land for a site will be quashed if there is no lawful designation thereof shown by the records.—*Heck v. Sch. Dist.*, 49 / 551. After the lapse of a dozen years it is too late to disturb the title to a school-house site by mere questions of regularity in the proceedings to designate it. School districts are apt to act with great informality in their corporate matters; and it is a sound rule to let general acquiescence cover the errors.—*Sch. Dist. v. Everett*, 52 / 318.

NO SITE ESTABLISHED: It is only when the inhabitants cannot agree in establishing any site at all, that the inspectors are allowed to fix one.—*Andress v. Inspectors*, 19 / 332.

TWO-THIRDS VOTE: See note to Section 4717.

(107.) § 4729. SEC. 2. Whenever a site for a school-house shall be designated, determined or established, in any manner provided by law, in any school district, and such district shall be unable to agree with the owner or owners of such site upon the compensation to be paid therefor, or in case such district shall, by reason of any imperfection in the title to said site, arising either from break in the chain of title, tax sale, mortgages, levies, or any other cause, be unable to procure a perfect, unincumbered title in fee simple to said site, the district board of such district shall authorize one or more of its members to apply to the circuit judge, if there be one in the county, or to a circuit court commissioner of the county, or to any justice of the peace of the city or township in which such school district shall be situated, for a jury to ascertain and determine the just compensation to be made for the real estate required by such school district for such site, and the necessity for using the same, which application shall be in writing, and shall describe the real estate required by such district as accurately as is required in a conveyance of real estate. Provided, That whenever any school district shall have designated, selected, or established, in any manner provided by law, a school-house site, such selection, designation, or establishment shall be prima facie evidence to said jury of the necessity to use the site so established.

Disagreement upon compensation for site.

Board to apply for a jury.

Contents of application.

Proviso—evidence of necessity for site.

CONDEMNATION: The jurisdiction to condemn lands for a school-house site is invoked by presenting to the proper officer a petition designating the site and showing disagreement with the owner as to compensation for it.—*Smith v. Sch. Dist.*, 40 / 145. Proceedings to condemn land for a school-house site will be quashed if there is no lawful designation thereof shown by the records.—*Heck v. Sch. Dist.*, 49 / 551. For the constitutional questions involved in the taking of private property for public use, see *Const.* xv, 9, 15; xviii, 2, 14.

(108.) § 4730. SEC. 3. It shall be the duty of such circuit judge, circuit court commissioner, or justice of the peace, upon such application being made to him, to issue a summons or venire, directed to the sheriff or any constable of the county, commanding him to summon eighteen freeholders residing in the vicinity of such site, who are in nowise of kin to the owner of such real estate, and not interested therein, to appear before such judge, commissioner, or justice, at the time and place therein named, not less than twenty nor more than fifty days

Jury to be summoned.

Owner to
be notified.

from the time of issuing such summons or venire, as a jury to ascertain and determine the just compensation to be made for the real estate required by such school district for such site, and the necessity for using the same, and to notify the owner or occupant of such real estate, if he can be found in the county, of the time when and the place where such jury is summoned to appear, and the object for which such jury is summoned; which notice shall be served at least ten days before the time specified in such summons or venire for the jury to appear as hereinbefore mentioned.

Notice in case
owner is
unknown, etc.

(109.) § 4731. SEC. 4. Thirty days' previous notice of the time when and the place where such jury will assemble shall be given by the district board of such district, where the owner or owners of such real estate shall be unknown, non-residents of the county, minors, insane, non compos mentis, or inmates of any prison, by publishing the same in a newspaper published in the county where such real estate is situated; or if there be no newspaper published in such county, then in some newspaper published in the nearest county where a newspaper is published, once in each week for four successive weeks, which notice shall be signed by the district board or by the director or assessor of such district, and shall describe the real estate required for such site, and state the time when and place where such jury will assemble, and the object for which they will assemble; or such notice may be served on such owner personally, or by leaving a copy thereof at his last place of residence.

Return of
venire and
proceedings
thereon.

(110.) § 4732. SEC. 5. It shall be the duty of such judge, commissioner, or justice, and of the persons summoned as jurors, as hereinbefore provided, and of the sheriff or constable summoning them, to attend at the time and place specified in such summons or venire; and the officer who summoned the jury shall return such summons or venire to the officer who issued the same, with the names of the persons summoned by him as jurors, and shall certify the manner of notifying the owner or owners of such real estate, if he was found; and if he could not be found in said county, he shall certify that fact. Either party may challenge any of the said jurors for the same causes as in civil actions. If more than twelve of said jurors in attendance shall be found qualified to serve as jurors, the officer in attendance, and who issued the summons or venire for such jury, shall strike from the list of jurors a number sufficient to reduce the number of jurors in attendance to twelve; and in case less than twelve of the number so summoned as jurors shall attend, the sheriff or constable shall summon a sufficient number of freeholders to make up the number of twelve; and the officer issuing the summons or venire for such jury, may issue an attachment for any person summoned as a juror who shall fail to attend, and may enforce obedience to such summons, venire, or attachment, as courts of record, or justices' courts are authorized to do in civil cases.

Attachment
may issue to
enforce
obedience
to process.

A party present, or represented, at the impaneling of the jury will be deemed to have waived all objections to the jury, if he makes none then.—*Smith v. Sch. Dist.*, 40 / 143.

(111.) § 4733. SEC. 6. The twelve persons selected as the jury shall be duly sworn by the judge, commissioner, or justice in attendance, faithfully and impartially to inquire, ascertain, and determine the just compensation to be made for the real estate required by such school district for such site, and the necessity for using the same in the manner proposed by such school district; and the persons thus sworn shall constitute the jury in such case. Subpœnas for witnesses may be issued, and their attendance compelled by such circuit judge, commissioner, or justice in the same manner as may be done by the circuit court or by a justice's court in civil cases. The jury may visit and examine the premises, and from such examination and such other evidences as may be presented before them, shall ascertain and determine the necessity for using such real estate in the manner and for the purpose proposed by such school district, and the just compensation to be made therefor; and if such jury shall find that it is necessary that such real estate shall be used in the manner or for the purpose proposed by such school district, they shall sign a certificate in writing, stating that it is necessary that said real estate, describing it, should be used as a site for a school-house for such district; also stating the sum to be paid by such school district as the just compensation for the same. The said circuit judge, circuit court commissioner, or justice of the peace, shall sign and attach to, and indorse upon the certificate thus subscribed by the said jurors, a certificate stating the time when and the place where the said jury assembled, that they were by him duly sworn as herein required, and that they subscribed the said certificate. He shall also state in such certificate who appeared for the respective parties on such hearing and inquiry, and shall deliver such certificates to the director, or to any member of the district board of such school district.

Jury to be sworn.

Subpœnas for witnesses.

Jury to ascertain necessity for taking land.

To determine compensation therefor.

Court to make certificate.

As to the oath to the jurors, their duties and the determination of the necessity and compensation, see notes to *Const.* xv, 9, 15; xviii, 2, 14.

(112.) § 4734. SEC. 7. Upon filing such certificates in the circuit court of the county where such real estate is situated, such court shall, if it finds all the proceedings regular, render judgment for the sum specified in the certificate signed by such jury, against such school district, which judgment shall be collected and paid in the manner as other judgments against school districts are collected and paid.

Collection of judgment.

Smith v. Sch. Dist., 40 / 143. Mandamus will not lie to compel a circuit judge to overrule his finding that the proceedings taken for the condemnation of a site were irregular and to compel him to enter judgment for the amount found due.—*Sch. Dist. v. Judge*, 49 / 432.

When owner is unknown, etc., money to be deposited with county treasurer.

(113.) § 4735. SEC. 8. In case the owner of such real estate shall be unknown, insane, non compos mentis, or an infant, or cannot be found within such county, it shall be lawful for the said school district to deposit the amount of such judgment with the county treasurer of such county, for the use of the person or persons entitled thereto; and it shall be the duty of such county treasurer to receive such money, and at the time of receiving it, to give a receipt or certificate to the person depositing the same with him, stating the time when such deposit was made, and for what purpose; and such county treasurer and his sureties shall be liable on his bond for any money which shall come into his hands under the provisions of this act, in case he shall refuse to pay or account for the same, as herein required: Provided, That no such money shall be drawn from such county treasurer, except upon an order of the circuit court, circuit court commissioner, or judge of probate, as hereinafter provided.

Proviso—how money to be drawn from county treasurer.

On payment court to decree title vested in district.

(114.) § 4736. SEC. 9. Upon satisfactory evidence being presented to the circuit court of the county where such real estate lies, that such judgment, or the sum ascertained and determined by the jury as the just compensation to be paid by such district for such site, has been paid, or that the amount thereof has been deposited according to the provisions of the preceding sections, such court shall, by an order or decree, adjudge and determine that the title in fee of such real estate shall, from the time of making such payment or deposit, forever thereafter be vested in such school district and its successors and assigns, and shall, in and by such order or decree, award to such school district a writ of possession for the recovery of the possession of such real estate; a copy of which order or decree, certified by the clerk of said county, shall be recorded in the office of the register of deeds of such county, and the title of such real estate shall thenceforth, from the time of making such payment or deposit, be vested forever thereafter in such district and its successors and assigns in fee.

Copy of decree to be recorded.

When district to take possession.

Writ of possession to be issued by county clerk to sheriff.

Sheriff to remove respondent.

(115.) § 4737. SEC. 10. Such school district may, at any time after making the payment or deposit hereinbefore required, enter upon and take possession of such real estate for the use of said district. And it shall be the duty of the county clerk of said county, on the request of said school district, to issue out of and under the seal of the circuit court of said county a writ of possession as awarded in such order or decree; which writ shall be directed to the sheriff of said county, and shall be tested and made returnable, and shall be substantially, so far as may be, in the same form provided for writs of possession in actions of ejectment; and it shall be the duty of such sheriff thereupon to remove the respondent or respondents in such proceedings, and all persons holding under them or either of them, from the real estate described in such

decree and in such writ, and deliver the possession thereof with the appurtenances to such school district.

(116.) § 4738. SEC. 11. In case the jury hereinbefore provided for shall not agree, another jury may be summoned in the same manner, and the same proceedings may be had, except that no further notice of the proceedings shall be necessary; but instead of such notice, the judge, commissioner, or justice may adjourn the proceedings to such time as he shall think reasonable, not exceeding thirty days, and shall make the process to summon a jury returnable at such time and place as the said proceedings shall be adjourned to. Such proceedings may be adjourned from time to time by the said judge, or commissioner, or justice, on the application of either party, and for good cause, to be shown by the party applying for such adjournment, unless the other party shall consent to such adjournment; but such adjournments shall not in all exceed three months.

When jury disagrees, proceedings may be adjourned and new jury summoned.

Adjournments not to exceed three months.

(117.) § 4739. SEC. 12. In case the said school-house site is encumbered by mortgage, levy, tax sale, or otherwise, as aforesaid, the mortgagee, or other parties claiming to be interested in said title, shall severally be made a party to the procedure as aforesaid, and shall be authorized upon the filing of the certificate of the jury in the circuit court of the said county, to appear before the circuit judge and make proof relative to their proportionate claims to the said site, or the compensation to be made therefor, as determined by said jury. And the said circuit judge shall, by decree, settle their several claims in accordance with the rights of the parties respectively, and may divide the sum awarded by said jury between the claimants as in his judgment will be equitable and right, rendering against said district a separate judgment for each of the amounts so awarded.

Proceedings in case of incumbrances.

Duty of circuit judges.

(118.) § 4740. SEC. 13. The circuit judge, judge of probate, or circuit court commissioner of any county where any money has been deposited with the county treasurer of such county, as hereinbefore provided, shall, upon the written application of any person or persons entitled to such money, and upon receiving satisfactory evidence of the right of such applicant to the money thus deposited, make an order directing the county treasurer to pay the money thus deposited with him to said applicant; and it shall be the duty of such county treasurer, on the presentation of such order, with the receipt of the person named therein, indorsed on said order and duly acknowledged, in the same manner as conveyances of real estate are required to be acknowledged, to pay the same; and such order, with the receipt of the applicant or person in whose favor the same shall be drawn, shall, in all courts and places, be presumptive evidence in favor of such county treasurer, to exonerate him from all liability to any person or persons for said money thus paid by him.

How money deposited with county treasurer may be drawn.

Compensation
of officers,
etc., on
proceedings.

(119.) § 4741. SEC. 14. Circuit judges, circuit court commissioners, and justices of the peace, for any services rendered under the provisions of this act, shall be entitled to the same fees and compensation as for similar services in other special proceedings. Jurors, constables, and sheriffs shall be entitled to the same fees as for like services in civil cases in the circuit court.

When judge,
etc., unable
to attend,
another may
finish proceedings.

(120.) § 4742. SEC. 15. In case any circuit judge, circuit court commissioner, or justice of the peace, who shall issue a summons or venire for a jury, shall be unable to attend to any of the subsequent proceedings in such case, any other circuit court commissioner or justice of the peace may attend and finish said proceedings.

APPEALS FROM ACTION OF INSPECTORS.

Appeal of
electors.

(121.) § 4743. SECTION 1. Whenever any five or more tax-paying electors, having taxable property within any school district, shall feel themselves aggrieved by any action, order, or decision of the board of school inspectors, with reference to the formation, or any division, or consolidation of said school district, they may, at any time within sixty days from the time of such action on the part of said school inspectors, appeal from such action, order, or decision of said board of school inspectors to the township board of the township in which such school district is situated, and in case of fractional school districts, notice of such appeal shall be served on the clerk of the joint boards of school inspectors who have made the decision appealed from, who shall, within five days, give notice thereof to the township boards of the several townships in which the different parts of said fractional school district are situated, who shall have power, and whose duty it shall be, acting jointly, to entertain such appeal, and review, confirm, set aside, or amend the action, order, or decision of the board of school inspectors thus appealed from; or if in their opinion the appeal is frivolous or without sufficient cause, they may summarily dismiss the same.

Appeal in case
of fractional
districts.

Am. 1883, Act 82.

ACTION OF INSPECTORS: The board of inspectors act in the exercise of a public discretionary power in creating or changing districts, which can be reviewed, if at all, only by some direct appellate process which operates upon the proceedings themselves to affirm, reverse or change them.—*Clement v. Everest*, 29 / 19.

APPEAL: The appeal to the town board is not on legal questions, but transfers to them the same discretionary authority which the inspectors have when there is no appeal. And by appealing, the parties waive those questions which require judicial review and submit themselves to the discretion of the town board; and a certiorari to the town board does not open the doings of the inspectors.—*Brody v. Penn Twp. Board*, 32 / 273. Where the summary method of reviewing the proceedings by appeal has not been resorted to, there should be some special and extraordinary reasons appearing to justify a resort to quo warranto.—*Lord v. Every*, 38 / 405. The township board has jurisdiction of appeals from decisions of the board of school inspectors fixing the amount to be paid by an old school district to a new one, where the latter comprises part of the same territory and the former retains the school property.—*School Dist. v. Wilcox*, 48 / 404. When it seems an appeal could not be taken.—*Sch. Dist. v. Sch. Dist.*, 63 / 57-8.

(122.) § 4744. SEC. 2. Said appellants shall, before taking such appeal, make out and file with the board of school inspectors, or in case of fractional school districts to the clerk of the joint boards of school inspectors, a written statement, to be signed by said appellants; setting forth in general terms the action, order, or decision of the board or boards of school inspectors, with respect to which the appellants feel themselves aggrieved, and their demand for an appeal therefrom to the township board or boards of said township or townships, and shall also cause to be executed and signed by one of their number, and by two good and sufficient sureties, to be approved by the clerk of said board or joint boards of school inspectors, or by any justice of the peace of the township, and filed with the clerk of said board or joint boards of school inspectors, a bond to the people of the state of Michigan in the penal sum of two hundred dollars, conditioned for the due prosecution of said appeal before said township board or boards acting jointly, and also in case of the dismissal of said appeal as frivolous by said township board or joint boards, for the payment by said appellants of all costs occasioned to the township or townships [by reason] of said appeal.

Appellants to file statement of cause and demand for appeal.

Appellants to execute and file bond.

Am. Id.
BOND: The statute is positive in requiring the bond to be approved and it can not be dispensed with.—*Clement v. Everest*, 29 / 21. The appeal is not complete without such approval.—Id.

(123.) § 4745. SEC. 3. Upon the filing of such appeal papers and bond with the said board or joint boards of school inspectors, the said board or joint boards of school inspectors shall, within ten days thereafter, make out and file with the clerk of said township in which the said school-house is located, a full and complete transcript of all their proceedings, actions, orders, or decisions with reference to which the appeal is taken, and of their records of the same; also, said bond and appeal papers, and all petitions and remonstrances, if any, with reference to the matters appealed from; and upon the filing of the same with the said township clerk, the said township board or boards shall be deemed to be in possession of the case, and if the return be deemed by them insufficient, may order a further and more complete return by said board or boards of school inspectors; and when such return shall by them be deemed sufficient, they shall proceed with the consideration of the appeal, at such time or times, within ten days after such return, and in such manner and under such affirmation, amendment, or reversal of the action, order, or decision of the board or boards of school inspectors appealed from, as in their judgment shall seem to be just and right; or, if they deem the appeal to be frivolous, they may summarily dismiss the same; but the decision of said board or boards of school inspectors shall not be altered or reversed, unless a majority

Duty of inspectors when appeal is filed.

When township board deemed in possession of case.

Proceedings in the appeal.

When members of township board cannot act in determining case.

of such township board or boards, not members of said board or boards of school inspectors, shall so determine.

See cases cited in notes to Section 4743, Comp. Section 121.

GRADED SCHOOL DISTRICTS.

(124.) § 4746. SECTION 1. Any school district containing more than one hundred children between the ages of five and twenty years may, by a two-thirds vote of the qualified electors present at any annual or special meeting, organize as a graded school district: Provided, That the intention to take such vote shall be expressed in the notice of such annual or special meeting. When such change in the organization of the district shall have been voted, the voters at such annual or special meeting shall proceed immediately to elect by ballot from the qualified voters of the district one trustee for the term of one year, two for the term of two years, and two for a term of three years, and annually thereafter a successor or successors to the trustee or trustees whose term of office shall expire: Provided, also, In all districts organized prior to the year eighteen hundred and eighty-three there shall be one trustee elected at the annual meeting for the year eighteen hundred and eighty-three, and thereafter there shall be elected a trustee or trustees in the manner aforesaid, whose term of office shall be three years, and until his or their successor or successors shall have been elected and filed his or their acceptance: Provided, also, That in the election of trustees, and all other school officers, the person receiving a majority of all the votes shall be declared elected.

Graded school district, organization of.

Proviso.

Trustee, election of.

Proviso.

Proviso.

Am. 1883, Act 28; 1885, Act 18.

Simpkins v. Ward, 45 / 562.

GRADED SCHOOL DISTRICTS: The wisdom of the graded-school-district act was vindicated in *Stuart v. Sch. Dist.*, 30 / 69, and its validity determined. —*Keweenaw Ass'n v. Sch. Dist.*, 98 / 439. It is competent under the constitution to provide by taxation for free instruction in the higher departments of education, in union and high schools. —*Stuart v. Sch. Dist.*, 30 / 69. Union and graded schools, whether organized under the general law or created by special enactment are subject to the general primary school law, except as otherwise provided in the law creating them. —*People v. Detroit Board of Education*, 18 / 411; *Keweenaw Ass'n v. Sch. Dist.*, 98 / 442.

ALL OTHER OFFICERS: The term "all other school officers" includes the director, moderator and assessor of primary school districts, there being no others to whom it could refer, as the trustees are the only officers to be elected in graded school districts. —*Cleveland v. Amy*, 88 / 377.

LEGISLATIVE PROVISIONS: The constitution does not require an absolute uniformity in school districts throughout the state and the legislature has not so construed the constitutional provisions. Uniformity has not been kept up; graded schools have been established; boundaries of districts changed and fixed by the legislature; and the qualifications of electors at school meetings have been fixed, limiting the classes entitled to vote and providing exceptional methods of electing officers. The mayor of Grand Rapids is made a trustee and ex officio a member of the board of education; and being a trustee he is eligible to the office of president of the board. The president of the board has the veto power. The mayor of Alpena is president of the board and the trustees elected constitute the board, and exercise all the powers and perform the duties of trustees. The mayor of Detroit, as ex officio member of the board of education, has the veto power, and this provision is constitutional. —*Pingree v. Board of Education*, 99 / 407-9. It is no new thing for the legislature to fix the boundaries of school districts. It is done by the charter of nearly every city or village in the state, and some of them go so far as to provide exceptional methods of electing officers and limiting the classes entitled to vote (citing *Mudge v. Jones*, 59 / 165). —*Kewee-*

naw Ass'n v. Sch. Dist., 98 / 441. And in Perrizo v. Kesler, 93 / 280, an act providing for the organization of school districts from entire townships was held valid.—Id. 442.

(125.) § 4747. SEC. 2. Within ten days after their election such trustees shall file with the director acceptances of the offices to which they have been elected, and shall annually elect from their own number a moderator, a director, and treasurer, and for cause may remove the same, and may appoint others of their own number in their places, who shall perform the duties prescribed by law for such officers in other school districts in this state, except as hereinafter provided. The trustees shall have power to fill any vacancy that may occur in their number till the next annual meeting. Whenever, in any case, the trustees shall fail, through disagreement or neglect, to elect the officers named in this section, within twenty days next after the annual meeting, the school inspectors of the township or city to which such district makes its annual report shall appoint the said officers from the number of said trustees.

Acceptance of offices to be filed.

Officers to be elected by trustees.

Vacancy in board, how filled.

When inspectors shall appoint officers.

Am. 1901, Act 165.

VACANCIES—COSTS: The minority of a school board have no authority to commence an action in its name, and, if they do so, they will be individually responsible for the costs.—Johnston v. Mitchell, 120 / 589.

(126.) § 4748. SEC. 3. It shall be the duty of the board of trustees in any graded school district:

Duty of trustees.

First, To classify and grade the pupils attending schools in such district and cause them to be taught in such schools or departments as they may deem expedient;

To classify pupils.

Second, To establish in such district a high school when ordered by a vote of the district at an annual meeting, and to determine the qualifications for admission to such school, and the fees to be paid for tuition in any branch taught therein: Provided, That when non-resident pupils, their parents or guardians, shall pay a school tax in said district, the same shall be credited on their tuition a sum not to exceed the amount of such tuition and they shall only be required to pay tuition for the difference between the amount of the tax and the amount charged for tuition;

To establish high school, etc.

Proviso as to tuition.

Third, To audit and order the payment of all [of] the accounts of the director for incidental or other expenses incurred by him in the discharge of his duties; but no more than fifty dollars shall be expended by the director in one year for repairs of the buildings or appurtenances of the district property without the authority of the board of trustees;

To audit and pay directors' accounts.

Fourth, To employ all qualified teachers necessary for the several schools, and to determine the amount of their compensation and to require the director and moderator to make contracts with the same on behalf of the district, in accordance with the provisions of law concerning contracts with teachers;

To employ teachers.

To employ
officers, etc.

Fifth, To employ such officers and servants as may be necessary for the management of the schools and school property, and prescribe their duties and fix their compensation;

Other duties.

Sixth, To perform such other duties as are required of district boards in other school districts.

Am. 1891, Act 21.

FIRST: To classify and grade.—*People v. Detroit Bd. of Ed.*, 18 / 412. Under our system it is common and convenient to have the various grades in one building and there is nothing illegal in it.—*Hathaway v. New Baltimore*, 48 / 255. The authority to classify and grade the pupils and prescribe the course of studies confers the power to provide for teaching music and to purchase a piano for such purpose.—*Knabe v. Board of Education*, 67 / 262.

FOURTH: A contract with a qualified teacher, made pursuant to a resolution adopted by a majority of the trustees and signed by the moderator and assessor and one of the trustees, is valid though not signed by the director.—*Farrel v. Sch. Dist.*, 98 / 43 (citing *Crane v. Sch. Dist.*, 61 / 299). The board has power to employ a qualified teacher for the ensuing year prior to the annual school meeting.—*Id.* (citing *Tappan v. Sch. Dist.*, 44 / 500; *Cleveland v. Amy*, 88 / 374). The power to employ teachers conferred upon the district boards of primary schools is co-extensive with that conferred upon the boards of trustees of graded schools.—*Cleveland v. Amy*, 88 / 376. Teachers in graded schools are required to have certificates in the same manner as teachers in primary schools; but a person employed by the board to superintend and manage the schools need not be a teacher nor have a teacher's certificate.—*Davis v. Sch. Dist.*, 81 / 214. The trustees are empowered to employ all teachers necessary, and what teachers are necessary is left to be decided by their sound discretion.—*Tappan v. Sch. Dist.*, 44 / 502.

FIFTH: The power to appoint a superintendent of schools is incident to the full control which by law the board has over the schools.—*Stuart v. Sch. Dist.*, 30 / 85. And the person employed as superintendent is not required to be a teacher or to have a teacher's certificate.—*Davis v. Sch. Dist.*, 81 / 219-20.

Consent of
trustees
necessary to
change in
boundaries
of district.

(127.) § 4749. SEC. 4. No alterations shall be made in the boundaries of any graded school district, without the consent of a majority of the trustees of said district, which consent shall be spread upon the records of the district, and placed on file in the office of the clerk of the board of school inspectors of the township or city to which the reports of said district are made; and graded school districts shall not be restricted to nine sections of land: Provided, however, That any three or more tax paying electors having children between the ages of five and twelve years, residing one and one-half miles or more from a school house in such district, feeling themselves aggrieved by any action, order, or decision of the board of trustees with reference to the alteration of said school district, affecting their interests, may, at any time within sixty days from the time of such action on the part of said board of trustees, appeal from such action, order or decision of such board of school trustees, to the judge of probate of the county in which such school house is situated, in the same manner, as nearly as may be, as appeals from the action of inspectors, as provided by chapter nine of this act. Said appellants shall file a bond with said judge of probate, with sufficient sureties, to be approved by said judge of probate, in the penal sum of two hundred dollars, indemnifying said school district of any and all costs made on such appeal in case the appellants shall not prevail therein. Whereupon said judge of probate shall be empowered to entertain such appeal, and review, confirm or set aside or amend the action of the board of trustees appealed from.

Such districts
not restricted
in size.

Proviso.

Appellants to
file bond.

Am. 1899, Act 258.

NO ALTERATION: This provision is not intended to take from the board of supervisors their constitutional power to erect townships, but the prohibition applies only to the inspectors.—*People v. Ryan*, 19 / 207. Township school inspectors cannot enlarge a graded school district by adding unorganized territory, though they may, with the consent of the trustees, transfer to its jurisdiction territory previously organized into primary districts.—*Simpkins v. Ward*, 45 / 559. The action of the board of inspectors in detaching territory from a graded school district is void, unless the inspectors have before them legal evidence of a consent of a majority of the trustees of the graded school district.—*Burnett v. Inspectors*, 97 / 103. Addition of territory by legislative action.—*Keweenaw Ass'n v. Sch. Dist.*, 98 / 439-41.

(128.) § 4750. SEC. 5. Whenever two or more contiguous districts, having together more than one hundred children between the ages of five and twenty years, after having published in the notices of the annual meetings of each district the intention to take such action, shall severally, by a vote of two-thirds of the qualified voters attending the annual meetings in said districts determine to unite for the purpose of establishing a graded school district under the provisions of this chapter, the school inspectors of the township or townships in which such districts may be situated shall, on being properly notified of such vote, proceed to unite such districts, and shall appoint as soon as practicable, a time and place for a meeting of the new district, and shall require three notices of the same to be posted in each of the districts so united at least five days before the time of such meeting, and at such meeting the district shall elect a board of trustees, as provided in section one of this chapter, and may do whatever business may be done at any annual meeting.

Uniting of contiguous districts to form graded school district

Election of board of trustees.

Added 1883, Act 53.

(129.) § 4751. SEC. 6. Whenever the trustees of any organized graded school district shall be presented twenty days before the annual meeting thereof with a petition signed by ten electors of said district, stating that it is the desire of said petitioners that at the annual meeting of said school district there shall be submitted to said annual meeting the proposition to change from a graded school district to one or more primary school districts the said trustees shall, in their notice of such annual meeting, state that the proposition set forth in said petition will be presented to said meeting, and if two-thirds of the qualified voters present at said meeting shall vote to change to one or more primary school districts such change shall be made, and it shall be the duty of the board of school inspectors of the township or townships in which such district is situated, upon being duly notified of such vote to proceed to change or divide such district as determined by such annual meeting, and they shall provide for the holding of the first meeting in the, or each of the, proposed primary school districts in the same manner as is provided for by law for the organization of primary school districts, and whenever a fractional graded school district shall be so changed, the township boards of school inspectors of the respective townships where

Duty of trustees in certain cases, etc.

In case of vote to change, etc.

such graded school district is situated, shall organize the said district into one or more primary school districts, as provided for by law.

Added 1891, Act 84.

LIBRARIES.

Township
libraries to be
maintained.

(130.) § 4752. SECTION 1. A township library shall be maintained in each organized township, which shall be the property of the township, and shall not be subject to sale or alienation from any cause whatever. All actions relating to such library, or for the recovery of any penalties lawfully established in relation thereto, shall be brought in the name of the township.

Who are
entitled to
privileges
of library.
Proviso.

(131.) § 4753. SEC. 2. All persons who are residents of the township shall be entitled to the privileges of the township library, subject to such rules and regulations as may be lawfully established in relation thereto: Provided, That persons residing within the boundaries of any school district in which a district library has been established shall be entitled to the privileges of such district library only.

Inspectors to
have charge of
library and
library
moneys.

(132.) § 4754. SEC. 3. The township board of school inspectors shall have charge of the township library, and shall apply for and receive from the township treasurer all moneys appropriated for the township library of their township, and shall purchase the books and procure the necessary appendages for such library.

Inspectors
accountable
for care, etc.,
of library.

Power of
inspectors.

(133.) § 4755. SEC. 4. Said board shall be held accountable for the proper care and preservation of the township library, and shall have power to provide for the safe keeping of the same, to prescribe the time for taking and returning books, to assess and collect fines and penalties for the loss or injury of said books, and to establish all other needful rules and regulations for the management of the library, as said board shall deem proper, or the superintendent of public instruction may advise.

Township
library.

Librarian,
duties, etc.

(134.) § 4756. SEC. 5. The board of school inspectors shall cause the township library to be kept at some central or eligible place in the township, which it shall determine. Such board shall also, within ten days after the annual township meeting, appoint a librarian, for the term of one year, to have the care and superintendence of said library, who shall be responsible to the board of school inspectors for the impartial enforcement of all rules and regulations lawfully established in relation to said library.

Am. 1883, Act 114.

School district
may establish
library.

(135.) § 4757. SEC. 6. Any school district, by a two-thirds vote at any annual meeting, may establish a district library, and such district shall be entitled to its just proportion

of books from the library of any township in which it is wholly or partly situated, to be added to the district library, and also to its equitable share of any library moneys remaining unexpended in any such township or townships at the time of the establishment of such a district library, or that shall thereafter be raised by tax in such township or townships, or that shall thereafter be apportioned to the township to the inspectors of which the annual report of its director is made.

Entitled to books and moneys.

Am. 1893, Act 158.

(136.) § 4758. SEC. 7. The district board of any school district in which a district library may be established in accordance with the provisions of this act, shall have charge of such library; and the duties and responsibilities of said district board in relation to the district library, and all moneys raised or apportioned for its support, shall be the same as those of the board of school inspectors are to the township library.

District board to have charge of district library.

Libraries are within the proper range of school apparatus; and there is nothing in our laws which cuts off public corporations from accepting benevolent offerings to enable them to extend their usefulness and benefit their people, by enlarging their opportunities for culture and refinement without multiplying or increasing their burdens.—Maynard v. Woodard, 36 / 425, 427.

(137.) § 4759. SEC. 8. The school inspectors shall give in their annual report to the superintendent of public instruction, such facts and statistics relative to the management of the township library and the library moneys, as the superintendent of public instruction shall direct; and the district board of any school district having a library, shall cause to be given in the annual report of the director to the board of school inspectors, like facts and statistics relative to the district library, which items shall also be included by the said inspectors in their annual report.

Inspectors to report library statistics to state superintendent.

(138.) § 4760. SEC. 9. In case the board of school inspectors of any township, or the district board of any school district, shall fail to make the report required by the preceding section, or in case it shall appear from the reports so made that any township or school district has failed to use the library money in strict accordance with the provisions of law, such township or district shall forfeit its share of the library moneys that are apportioned, and the same shall be apportioned to the several other townships and districts in the county as hereinafter provided: Provided, That in townships where the boards thereof shall determine and report to the superintendent that the public will be better served by using the said money for general school purposes, no such forfeiture shall occur.

Failure to report or illegal use of moneys to cause forfeiture of moneys thereafter.

Proviso.

(139.) § 4761. SEC. 10. The superintendent of public instruction shall annually, and previous to the tenth day of May, transmit to the clerk of each county a statement of the town-

State superintendent to provide county clerk with statement.

Statement to be filed and copy given to county treasurer.

Fines for breach of penal laws to be apportioned for township and district libraries.

ships in his county that are entitled to receive library moneys, giving the number of children in each of such townships between the ages of five and twenty years, as shall appear from the reports of the boards of school inspectors for the school year last ending; said clerk shall file such statement in his office, and shall forthwith furnish a copy thereof to the county treasurer.

(140.) § 4762. SEC. 11. The clear proceeds of all fines for any breach of the penal laws of this state and for penalties or upon any recognizance in criminal proceedings, and all equivalents for exemption from military duty when collected in any county and paid into the county treasury, together with all moneys heretofore collected and paid into said treasury on account of such fines or equivalents, and not already apportioned, shall be apportioned by the county treasurer before the first day of June in each year, among the several townships in the county, according to the number of children therein, between the ages of five and twenty years, as shown by the statement of the superintendent of public instruction provided for in the preceding section, which money shall be exclusively applied to the support of the township and district libraries, and to no other purpose.

FINES, ETC.: See Const. XIII, 12, and notes thereto.
Am. 1895, Act 15.

Voters may levy tax for support of libraries.

(141.) § 4763. SEC. 12. The qualified voters of each township shall have power at any annual township meeting, to vote a tax for the support of libraries established in accordance with the provisions of this act, and the qualified voters of any school district, in which a district library shall be established, shall have power, at any annual meeting of such district, to vote a district tax for the support of said district library. When any tax authorized by this section shall have been voted, it shall be reported to the supervisor, levied, and collected in the same manner as other township and school district taxes.

How tax to be reported, assessed and collected.

District board may give or sell books to township library.

(142.) § 4764. SEC. 13. The district board of any school district may donate or sell any library book or books belonging to such district to the board of school inspectors of the township or townships in which said district is wholly or partly situated, which book or books shall thereafter form a part of the township library.

PENALTIES AND LIABILITIES.

Penalty on inhabitant for neglect of duty.

(143.) § 4765. SECTION 1. Any taxable inhabitant of a newly formed district receiving the notice of the first meeting, who shall neglect or refuse duly to serve and return such notice, and every chairman of the first district meeting in any district, who shall wilfully neglect or refuse to perform the

duties enjoined on him in this act, shall respectively forfeit the sum of five dollars.

(144.) § 4766. SEC. 2. Any person duly elected to the office of moderator, director, treasurer, or trustee of a school district, who shall neglect or refuse, without sufficient cause, to accept such office and serve therein, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by virtue of his office, shall forfeit the sum of ten dollars.

Penalty on district officer for neglecting or refusing to perform duties.

Am. 1901, Act 165.

Hinman v. Sch. Dist., 4 / 170.

If the district, by an officer's wilful act or neglect of duty, is subjected to suit or judgment, the district in its corporate capacity must recover the amount, but individual citizens, who have been taxed to satisfy the judgment, cannot recover their taxes from such officer.—Wall v. Eastman, 1 / 268.

(145.) § 4767. SEC. 3. Any person duly elected or appointed a school inspector, who shall neglect or refuse, without sufficient cause, to qualify and serve as such, or who, having entered upon the duties of his office shall neglect or refuse to perform any duty required of him by virtue of his office, shall forfeit the sum of ten dollars.

Penalty on inspector for neglect or refusal.

(146.) § 4768. SEC. 4. If any board of school inspectors shall neglect or refuse to make and deliver to the township clerk their annual report as required by this act, within the time limited therefor, they shall be liable to pay the full amount of money lost by their failure, with interest thereon, to be recovered by the township treasurer in the name of the township, in an action of debt, or on the case; and if any township clerk shall neglect or refuse to transmit the report herein mentioned within the time limited therefor, he shall be liable to pay the full amount lost by such neglect or refusal, with interest thereon, to be recovered in an action of debt, or on the case.

Liability of inspector for neglecting to report.

Liability of township clerk.

(147.) § 4769. SEC. 5. Any county clerk who shall neglect or refuse to transmit to the superintendent of public instruction the reports required by this act, within the time therefor limited, shall be liable to pay to each township the full amount which such township, or any school district therein, shall lose by such neglect or refusal, with interest thereon, to be recovered in an action of debt, or on the case.

Liability of county clerk for neglect to transmit reports.

(148.) § 4770. SEC. 6. All the moneys collected or received by any township treasurer under the provisions of either of the two last preceding sections, shall be apportioned and distributed to the school districts entitled thereto, in the same manner and in the same proportion that the moneys lost by any neglect or refusal therein mentioned would, according to the provisions of this act, have been apportioned and distributed.

How moneys collected on account of neglect disposed of.

(149.) § 4771. SEC. 7. Any township clerk who shall neglect or refuse to certify to the supervisor any school district taxes that have been reported to him as required by this act, and any supervisor wilfully neglecting to assess any such tax

Liability of township clerk and supervisor in regard to district taxes.

shall be liable to any district for any damage occasioned thereby, to be recovered by the treasurer in the name of the district, in an action of debt, or on the case.

Am. 1901, Act 165.

When township board to remove certain officers.

Township clerk to record order for removal.

Party removed may institute proceedings for removal of order of township board.

(150.) § 4772. SEC. 8. The township board of each township, and in the case of fractional school districts, the township board of the township in which the district school-house thereof is situated, shall have power and is hereby required to remove from office, upon satisfactory proof, after at least five days' notice to the party implicated, any district officer or school inspector who shall have illegally used or disposed of any of the public moneys entrusted to his charge, or who shall persistently and without sufficient cause refuse or neglect to discharge any of the duties of his office. And in case of such removal it shall be the duty of the township clerk of such township to enter in the records of such township the resolution or order of such board, for such removal; and such record of such resolution or order so entered, or a certified copy thereof, shall be prima facie evidence in all courts and places of the jurisdiction of such board and of the regularity of the proceedings for such removal, and (unless the party so removed shall, within thirty days after such removal, institute proceedings before a court of competent jurisdiction for the removal of such order for removal, or if after such thirty days such proceedings to obtain such removal shall be discontinued or dismissed) shall be conclusive evidence of jurisdiction and regularity, if it shall appear that the party so removed had five days' notice of the time and place fixed by said board for the hearing of the case as aforesaid.

REMOVAL: When a member of the board is interested in the subject for consideration in the matter of removal, he is not competent to act.—*Stockwell v. Twp. Bd. of White Lake*, 22 / 341. When interest deemed too remote to disqualify.—*Hamtramck Twp. Board v. Hollhan*, 46 / 127. Proceedings to remove are not invalidated because the board did not meet to agree on the notice under which the proceedings were taken.—*Wenzel v. Dorr Twp. Bd.*, 49 / 25. The statute contemplates that no steps shall be taken until the action of the proper authorities has been invoked by complaint of some definite violation of duty. But preliminary formalities may be waived.—*Geddes v. Thomastown Twp.*, 46 / 318. The action of the board is final unless speedily brought up for review.—*Id.* The proceedings are in the nature of a judicial investigation.—*Stockwell v. White Lake Twp. Board*, 22 / 341.

CAUSES FOR REMOVAL: The township board is the exclusive judge of the facts on which it is authorized to remove a school officer.—*Hamtramck Twp. Bd. v. Hollhan*, 46 / 127. Refusal to sign the director's orders for the payment of money is not alone sufficient cause for removal of the moderator, for he has a right to determine for himself whether the order should be issued.—*Stockwell v. White Lake Twp. Bd.*, 22 / 341. Persistent refusal by a director, without cause, to make needed repairs in the school-house furniture, etc., is sufficient cause for removal.—*Hamtramck Twp. Bd. v. Hollhan*, 46 / 127. Wilful refusal of a director to sign a teacher's contract, or to accept and file it, or to draw pay orders under the contract, and obstinate neglect to furnish necessary school supplies may be taken into account in proceedings for removal.—*Geddes v. Thomastown*, 46 / 316. A woman moderator cannot be removed for hiring her husband to teach the school.—*Hazen v. Akron Twp. Bd.*, 48 / 188. Nor a director for the purchase, in his discretion, of new seats for the school-house, under an order of the annual meeting "to fix the school-house for the winter term."—*McLaren v. Akron Twp. Bd.*, 48 / 189.

CERTIORARI: Lies to review the proceedings of a township board in removing a school officer.—*Stockwell v. White Lake Twp. Bd.*, 22 / 341; *Craw-*

ford v. Twp. Boards, 22 / 405; 24 / 248; Merrick v. Arbela Twp. Bd., 41 / 630. But mere insufficiency of evidence to establish the cause for removal will not warrant a reversal of the board's determination, the board being the exclusive judge of the facts.—Hamtramck Twp. Bd. v. Holihan, 46 / 127. Township clerk's return as to testimony taken by the board presumed true.—Taylor v. Shimmel, 107 / 676.

(151.) § 4773. SEC. 9. No school officer, superintendent, or teacher of schools, shall act as agent for any author, publisher, or seller of school books, or shall directly or indirectly receive any gift or reward for his influence in recommending the purchase or use of any library or school book or school apparatus, or furniture whatever, nor shall any school officer be personally interested in any way whatever in any contract with the district in which he may hold office. Any act or neglect herein prohibited, performed by any such officer, superintendent, or teacher, shall be deemed a misdemeanor.

School officers and teachers not to act as school book agents, etc.

School officers not to be interested in contracts in certain cases. Such acts deemed misdemeanors.

(152.) § 4774. SEC. 10. All provisions of this act shall apply and be in force in every school district, township, city and village in this state, except such as may be inconsistent with the direct provisions of some special enactment of the legislature.

Where this act shall apply.

Johnston v. Mitchell, 120 / 589.

MISCELLANEOUS PROVISIONS RELATIVE TO EDUCATION AND THE SCHOOLS.

An Act to regulate the uniformity of, and to provide FREE SCHOOL TEXT-BOOKS in public schools throughout the State, and the distribution of the same, and to repeal all statutes and acts contravening the provisions of this act.

[Act 147, 1889.]

(153.) § 4775. SECTION 1. *The People of the State of Michigan enact*, That from and after June thirtieth, eighteen hundred and ninety, each school board of the state shall purchase, when authorized, as hereinafter provided, the text-books used by the pupils of the schools in its district in each of the following subjects, to wit: Orthography, spelling, writing, reading, geography, arithmetic, grammar (including language lessons), national and state history, civil government, and physiology and hygiene; but text-books once adopted under the provisions of this act shall not be changed within five years: Provided, That the text-book on the subject of physiology and hygiene must be approved by the state board of education, and shall in every way comply with section fifteen of act number one hundred and sixty-five of the public acts of eighteen hundred and eighty-seven, approved June ninth, eighteen

When board to purchase text-books.

Subjects.

Change.

Proviso.

Further
proviso.

hundred and eighty-seven: And provided further, That all text-books used in any school district shall be uniform in any one subject.

The section above referred to is Section 4680, Comp. section 58.

FREE TEXT-BOOKS: It has never been claimed that school boards have the power to furnish free text-books except by virtue of special legislation.—*Bd. of Education v. Detroit*, 80 / 548.

Board to select
the kind.

(154.) § 4776. SEC. 2. The district board of each school

Proviso.

Notice to vote
on question.

district shall select the kind of text-books on subjects enumerated in section one to be taught in schools of their respective districts: Provided, That nothing herein contained shall require any change in text-books now in use in such district. They shall cause to be posted in a conspicuous place, at least ten days prior to the first annual school meeting from and after the passage of this act, a notice that those qualified to vote upon the question to raise money in said district shall vote at such annual meeting to authorize said district board to purchase and provide free text-books for the use of the pupils in said district. If a majority of all the voters as above provided present at such meeting shall authorize said board to raise by tax a sum sufficient to comply with the provisions of this act, the district board shall thereupon make a list of such books and file one copy with the township clerk and keep one copy posted in the school, and due notice of such action by the district shall be noted in the annual report to the superintendent of public instruction. The district board shall take the necessary steps to purchase such books for the use of all pupils in the several schools of their district, as hereinafter provided. The text-books so purchased shall be the property of the district purchasing the same, and shall be loaned to pupils free of charge, under such rules and regulations for their careful use and return as said district board may establish: Provided, That nothing herein contained shall prevent any person from buying his or her books from the district board of the school in which he or she may attend: Provided further, That nothing herein contained shall prevent any district having once adopted or rejected free text-books from taking further action on the same at any subsequent annual meeting.

Books to be
property of
district, etc.

Proviso.

Further
proviso.

Board to
contract with
publishers, etc.

Proviso.

Board to make
annual esti-
mate of
amount to be
raised.

(155.) § 4777. SEC. 3. It shall be the duty of the district board of any school district adopting free text-books provided for in this act to make a contract with some dealer or publisher to furnish books used in said district at a price not greater than the net wholesale price of such books: Provided, That any district may, if it so desires, authorize its district board to advertise for proposals before making such contract.

(156.) § 4778. SEC. 4. The district board of every school district in the state adopting free text-books under this act shall make and prepare annually an estimate of the amount of money necessary to be raised to comply with the conditions of this act, and shall add such amount to the annual estimates

made for money to be raised for school purposes, for the next ensuing year. Said sum shall be in addition to the amount now provided by law to be raised; which amount each township clerk shall certify to the supervisor of his township to be assessed upon the taxable property of the respective districts as provided by law for raising the regular annual estimates of the respective district boards for school purposes, and when collected shall be paid to the district treasurer in the same manner as all other money belonging to said district is paid.

(157.) § 4779. SEC. 5. On the first day of February next after the tax shall have been levied, the director of said district may proceed to purchase the books required by the pupils of his district from the list mentioned in section one of this act, and shall draw his warrant, countersigned by the moderator, upon the treasurer or assessor of the district for the price of the books so purchased, including the cost of transportation.

When director to purchase books, etc.

(158.) § 4780. SEC. 6. If the officers of any school district, which has so voted to supply itself with text-books, shall refuse or neglect to purchase at the expense of the district for the use of the pupils thereof, the text-books as enumerated in section one of this act, or to provide the money therefor as herein prescribed, each officer or member of such board so refusing or neglecting shall be deemed guilty of a misdemeanor, and upon conviction thereof before a court of competent jurisdiction, shall be liable to a penalty of not more than fifty dollars or imprisonment in the county jail for a period not exceeding thirty days, or by both such fine and imprisonment, in the discretion of the court: Provided, That any district board may buy its books of local dealers if the same can be purchased and delivered to the director as cheaply as if bought of the party who makes the lowest bid to the district board: Provided further, That school districts in cities organized under special charters shall be exempt from the provisions of this act, but such districts may, when so authorized by a majority vote of their district boards, submit the question of free text-books to the qualified voters of said districts. If a majority of the qualified electors vote in favor of furnishing free text-books, such district boards shall have authority to proceed under the provisions of this act.

Refusal or neglect of duty a misdemeanor.

Penalty.

Proviso.

Further proviso.

In cities, boards may submit question to voters of district.

SPECIAL CHARTERS: The action of the Detroit board of education, in including in its annual estimate a sum for free text-books, in the absence of authority from a majority of the qualified electors, as provided in this section, was held absolutely void.—Bd. of Ed. v. Detroit, 80 / 551.

An Act to prescribe and define a course of studies to be taught in the district schools of this State which shall be known as the AGRICULTURAL COLLEGE COURSE.

[Act 181, 1897.]

(159.) § 4791. SECTION 1. *The People of the State of Michigan enact*, That the superintendent of public instruction shall

Who to prepare course of study.

College catalogue to be forwarded to school districts.

prepare for district schools a course of study, comprising the branches now required for third grade certificates, which shall be known and designated "the agricultural college course," and upon the satisfactory completion of this course of study, as evidenced by a diploma or certificate, duly signed by the county commissioner of schools, pupils shall be admitted to the freshman class of the agricultural college without further examination. It shall be the duty of the secretary of the agricultural college each year to send to each rural school district in the state a college catalogue, and upon application to furnish to such schools such other information as may be desired relative to said college. Such catalogue and other information shall be kept in each school for reference.

An Act authorizing the introduction of the KINDERGARTEN METHOD in the public schools of this State.

[Act 119, 1891.]

Duty of district board.

(160.) § 4792. SECTION 1. *The People of the State of Michigan enact*, That in addition to the duties imposed by law upon the district board of every school district in this state, they shall also be empowered to provide a suitable room or apartment for kindergarten work, and to supply their district respectively with the necessary apparatus and appliances for the instruction of children in what is known as the kindergarten method.

Qualifications of teachers, etc.

(161.) § 4793. SEC. 2. In the employment of teachers it shall be competent for such district board to require qualifications for instruction of children in kindergarten methods, and the district board may provide by contract with the teacher for such instruction, specifying the hours and times therefor under such rules as the district board may prescribe.

What children entitled to instruction.

(162.) § 4794. SEC. 3. All children residing within the district between the ages of four and seven shall be entitled to instructions in the kindergarten department of such district school.

Act to apply to certain other schools.

(163.) § 4795. SEC. 4. The powers and duties herein imposed or conferred upon the district shall also be and the same are hereby imposed and conferred upon the school trustees or board of education or other body, by whatever name known, managing or controlling the public schools in each city and village of this state; and this act is hereby made applicable to every public school organized by special act or by charter as fully as if they were named herein.

An Act to provide for teaching in the public schools the modes by which the DANGEROUS COMMUNICABLE DISEASES are spread, and the best methods for the restriction and prevention of such diseases.

[Act 146, 1895.]

(164.) § 4796. SECTION 1. *The People of the State of Michigan enact*, That there shall be taught in every year in every public school in Michigan the principal modes by which each of the dangerous communicable diseases are spread, and the best methods for the restriction and prevention of each such disease. The state board of health shall annually send to the public school superintendents and teachers throughout this state printed data and statements which shall enable them to comply with this act. School boards are hereby required to direct such superintendents and teachers to give oral and blackboard instruction, using the data and statements supplied by the state board of health.

Methods of restriction and prevention of dangerous diseases shall be taught in public schools.

(165.) § 4797. SEC. 2. Neglect or refusal on the part of any superintendent or teacher to comply with the provisions of this law shall be considered a sufficient cause for dismissal from the school by the school board. Any school board willfully neglecting or refusing to comply with any of the provisions of this act shall be subject to fine the same as for neglect of any other duty pertaining to their office. This act shall apply to all schools in this state, including schools in cities or villages, whether incorporated under special charter or under the general laws.

Penalty for neglect or refusal to comply with provisions of this act.

An Act making an appropriation for the use of the State Board of Health, to enable it to comply with act one hundred and forty-six, of the public acts of eighteen hundred and ninety-five, entitled "An act to provide for teaching in the public schools the modes by which the DANGEROUS COMMUNICABLE DISEASES are spread and the best methods for the restriction and prevention of such diseases."

[Act 142, 1897.]

(166.) § 4798. SECTION 1. *The People of the State of Michigan enact*, That the sum of two thousand five hundred dollars per annum, is hereby appropriated out of the general fund, to enable the state board of health to comply with section one of act one hundred and forty-six of the public acts of eighteen hundred and ninety-five. Itemized bills for expenses incurred under this act shall be audited by the state board of health, whereupon the auditor general shall draw his warrant for the amounts allowed, not exceeding the amount appropriated, and the amounts thus allowed shall be paid from the state treasury.

Appropriation, auditor general to draw warrants.

(167.) § 4799. SEC. 2. The auditor general shall add to and incorporate with the taxes for each year the amount above appropriated, which, when collected, shall be passed to the credit of the proper fund.

Taxes when collected, disposition of.

An Act to provide for the PUBLICATION OF THE PROCEEDINGS OF THE ANNUAL SCHOOL MEETING, and an annual financial statement in graded school districts in which a newspaper is published, and to provide for the expense thereof, and fixing a penalty for failure to make such publication.

[Act 185, 1897.]

Publication of
proceedings,
etc., required.

(168.) § 4800. SECTION 1. *The People of the State of Michigan enact*, That previous to the third Monday in September of every year, the board of education, or board of trustees, as the case may be, of any graded school district in this state in which one or more newspapers are published, shall cause to be published in a newspaper published in said district, and designated by said board, also a full and itemized financial statement of the receipts and expenditures of said districts during the preceding school year, the expense of said publication to be paid out of the general fund of the district.

Penalty for
failure to
publish.

(169.) § 4801. SEC. 2. If any board of education, or board of trustees, as the case may be, shall neglect to comply with the provisions of this act, each member of any such board shall forfeit the sum of ten dollars.

An Act to provide for the purchase and display of UNITED STATES FLAGS in connection with the public school buildings within this State.

[Act 56, 1895.]

Flags and
appliances to
be purchased.

(170.) § 4802. SECTION 1. *The People of the State of Michigan enact*, That the board of education or the board of school trustees in the several cities, townships, villages and school districts of this state shall purchase a United States flag of a size not less than four feet two inches by eight feet and made of good flag bunting "A," flag staff and the necessary appliances therefor and shall display said flag upon, near, or in a conspicuous place within, the public school building during school hours and at such other times as to the said board may seem proper; and that the necessary funds to defray the expenses to be incurred herein shall be assessed and collected in the same manner as moneys for public school purposes are collected by law. And the penalties for neglect of duty provided in section two, chapter thirteen of the general school laws, shall apply to any school officer refusing to comply with the provisions of this act.

Time for
displaying.

Expense to be
defrayed from
school moneys

Penalty.

Am. 1897, Act 68.

An Act requiring certain RETURNS TO BE MADE FROM INCORPORATED ACADEMIES, and other literary institutions.

[Act 19, 1839.]

Report to be
made to super-
intendent of
public in-
struction.

(171.) § 4803. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be the duty of the president of the board of trustees of every organized academy, or literary or collegiate institution, here-

tofore incorporated or hereafter to be incorporated, to cause to be made out by the principal instructor, or other proper officer, and forwarded, by mail or otherwise, to the office of the superintendent of public instruction, between the first and fifteenth days of December, in each year, a report, setting forth the amount and estimated value of real estate owned by the corporation, the amount of other funds and endowments, and the yearly income from all sources, the number of instructors, the number of students in the different classes, the studies pursued, and the books used, the course of instruction, the terms of tuition, and such other matters as may be specially requested by said superintendent, or as may be deemed proper by the president or principal of such academies or institutes, to enable the superintendent of public instruction to lay before the legislature a fair and full exhibit of the affairs and condition of said institutions.

Contents of
report.

An Act to authorize the faculty of the department of literature, science and the arts, of the UNIVERSITY of Michigan TO GIVE TEACHERS' CERTIFICATES in certain cases.

[Act 144, 1891.]

(172.) § 4804. SECTION 1. *The People of the State of Michigan enact*, That the faculty of the department of literature, science and the arts, of the university of Michigan, shall give to every person receiving a bachelor's, master's or doctor's degree, and also a teacher's diploma for work done in the science and the arts of teaching from said university, a certificate, which shall serve as a legal certificate of qualification to teach in any of the schools of this state, when a copy thereof shall have been filed or recorded in the office of the legal examining officer or officers of the county, township, city or district. Such certificate shall not be liable to be annulled except by the said faculty of the said university; but its effect may be suspended in any county, township, city or district, and the holder thereof may be stricken from the list of qualified teachers in such county, township, city or district, by the legal examining officer or officers of the said county, township, city, or district, for any cause and in the same manner that such examining officer or officers may be by law authorized to revoke certificates given by himself or themselves, and such suspension shall continue in force until revoked by the authority suspending it.

University
may issue
certificate
to teach, etc.

Of annulling
certificate, etc.

An Act to authorize the STATE BOARD OF EDUCATION TO GRANT TEACHERS' CERTIFICATES in certain cases.

[Act 136, 1893.]

(173.) § 4805. SECTION 1. *The People of the State of Michigan enact*, That the state board of education is hereby empowered, and shall grant teachers' certificates without ex-

State board to
grant certifi-
cates to
certain per-
sons, etc.

amination to any person who has received a bachelor's, master's or doctor's degree from any college in this state having a course of study actually taught in such college, of not less than four years, in addition to the preparatory work necessary for admission to the university of Michigan, upon the recommendation from the faculty of such college stating that in their judgment the applicant is entitled to receive such certificate and in addition thereto, a course in the science and art of teaching of at least one college year of five and a half hours per week, which shall have been approved by said board of education, which course shall have been taken by such person who shall have received a diploma therefor, and shall include a thorough examination of the applicant by the college granting such diploma, as to qualification and fitness for teaching; and provided that if said person furnishes to said board satisfactory proof of having successfully taught for three years in the schools of this state, said certificate shall be a life certificate. If such proof is not furnished said board, then such certificate shall be for four years only, and a life certificate may at any time thereafter be issued by said board upon the filing of such proof. Such certificate shall entitle the holder to teach in any of the schools of this state without examination, provided a copy of the same shall have been filed [filed] or recorded in the office of the legal examining officer or officers of the county, city, township or district in which such person is to teach, and shall be annulled only by the state board of education, and by it, only for cause.

Proviso.

Annulled by whom.

Duty of board.

(174.) § 4806. SEC. 2. It shall be the duty of the said board of education to carefully examine any course of study in the science and art of teaching that may be submitted to it by the trustees of any college, and, if satisfactory, to furnish such trustees with a written certificate approving the same.

When instruction deficient, duty of board.

(175.) § 4807. SEC. 3. If, at any time, the said board of education shall conclude that any college, the graduates of which may desire to receive such certificate, is not giving such instruction in the science and art of teaching and in the other branches as shall be approved by said board, then said board shall so determine by a formal resolution, and shall give notice thereof to the trustees of such college, and thereafter no teachers' certificates shall be given by said board to the graduates of such college until said board shall be satisfied that proper instruction in the science and art of teaching and in [the] other branches is given by such college, and shall certify such fact to the trustees of such college.

COUNTY COMMISSIONERS AND SCHOOL EXAMINERS.

An Act to provide for the election of a COUNTY COMMISSIONER OF SCHOOLS, for the appointment of SCHOOL EXAMINERS, [and] to define the duties and fix the compensation for the same, and to repeal all existing acts or parts of acts conflicting with the provisions of this act.

[Act 147, 1891.]

(176.) § 4808. SECTION 1. *The People of the State of Michigan enact*, That at the meetings of the several boards of supervisors of the different counties of the state, to be held on the fourth Monday in June, eighteen hundred ninety-one, the said several boards of supervisors shall elect a county commissioner of schools for their respective counties, whose term of office shall commence on the fourth Tuesday of August next following, who shall hold his or her office until the first day of July, eighteen hundred ninety-three, or until his or her successor shall be elected and qualified. Said board of supervisors shall also on said fourth Monday of June, appoint two persons as school examiners, who, together with said commissioner of schools, shall constitute a board of school examiners. One of said school examiners shall be appointed for a period of one year and the other for a period of two years, from and after the second Monday of October next after their appointment, or until their successors have been appointed and qualified; and thereafter such boards of supervisors shall, at each annual session, appoint one examiner who shall hold his office for a period of two years, or until his successor shall have been appointed and qualified. Any person shall be eligible to the office of examiner who shall hold, or shall have held within three years next preceding his appointment, at least a second grade certificate, and has taught in the public schools at least nine months, or who has the qualifications required of commissioner in section three of this act, except an experience of twelve months as teacher: Provided, That this shall not apply to present incumbents of the office of school examiner. In case a vacancy shall occur at any time in the office of school examiner, the judge of probate, together with the board of school examiners of the county in which such vacancy shall have occurred, shall, within ten days after the occurrence of such vacancy, appoint some suitable person to fill such vacancy. And the person so appointed shall hold the office for the unexpired portion of the term, or until his or her successor is appointed and has qualified. Within ten days after such commissioners or examiners shall have received legal notice of his or her election, he or she shall take and subscribe the constitutional oath of office, and the same shall be filed with the county clerk. The said county commissioner, so appointed, shall execute a bond with two sufficient sureties to be approved by and filed with the county clerk, in the penal

Election of county commissioner of schools.

Term of office.

Appointment of school examiners.

Term of office.

Annual appointment of examiners.

Who eligible to appointment.

Vacancy, how filled.

Oath of office.

Bond.

County clerk
to report
address to.

sum of one thousand dollars, conditioned that he or she shall faithfully discharge the duties of his or her office according to law, and to faithfully account for and pay over to the proper persons all moneys which may come into his or her hands by reason of his or her holding such office; and thereupon the county clerk shall report the name and postoffice address of such county commissioner to the state superintendent of public instruction.

Am. 1893, Act 140; 1895, Act 66; 1901, Act 43.

This act supersedes chap. 12 of the primary school law (in Chapter 116). As to the election of school examiner under that law, as amended by Act 266 of 1887, see *Conrad v. Stone*, 78 / 635.

Election of
commissioner.

Term of office.

To file oath
and bond.

(177.) § 4809. SEC. 2. There shall be elected at the election held on the first Monday in April, nineteen hundred and three, and every fourth year thereafter, in each county, one commissioner of schools, whose term of office shall commence on the first day of July next following his or her election, and who shall continue in office four years or until his or her successor shall be elected and qualified. The county commissioner of schools elected under the provisions of this section shall file with the county clerk for the county for which he or she is elected his or her oath of office and bond, the same as provided in section one of this act, and the county clerk shall make the same report to the superintendent of public instruction in all respects as provided in section one of this act.

Am. 1901, Act 35.

Eligibility to
office of.

Proviso.

(178.) § 4810. SEC. 3. Persons eligible to hold the office of commissioner of schools must possess, besides an experience of twelve months as teacher in the public schools of the state, one of the following qualifications: Must be a graduate of the literary department of some reputable college, university or state normal school, having a course of at least three years, or hold a state teacher's certificate, or be the holder of a first grade certificate, but said first grade certificate shall only qualify the holder thereof to hold the office of commissioner in the county where such certificate was granted: Provided, That persons who have held the office of commissioner of schools under the provisions of act number one hundred forty-seven, public acts of eighteen hundred ninety-one, shall be eligible. In counties having less than fifty districts subject to the supervision of the county commissioner, a person holding at the time of his or her election a second grade certificate shall be eligible.

Am. 1895, Act 66.

QUALIFICATIONS OF COMMISSIONER: A high school is not a college within the meaning of this section. A special first grade certificate not granted at one of the regular public examinations provided for by law, or one granted without any examination, or one granted upon public examination after election as commissioner, does not qualify. Holding the office of secretary of the board of examiners under Act 266 of 1887 (amendatory of chap. 12 of the primary school law, now superseded) is not a qualification.—

People v. Howlett, 94 / 165. The legislative intent is to keep up the standard of teachers by requiring certain educational qualifications in the persons whose duty it is to examine the teachers and determine their fitness for their work.—People v. Howlett, 94 / 169.

(179.) § 4811. SEC. 4. The board of school examiners shall, for the purpose of examining all persons who may offer themselves as teachers for the public schools, hold two regular public examinations in each year at the county seat, which examinations shall be [begin] on the last Thursday of March and the third Thursday of August in each year. From these two examinations certificates of all grades may be granted. The said board of examiners may also in their discretion hold two other regular public examinations, which shall begin on the third Thursday of June and October and at such places as in the judgment of the board the best interests of the teachers may require. From these two examinations only certificates of the second and third grade may be granted. It shall be the duty of the county commissioner to make out a schedule of the times and places of holding such examinations and to cause it to be published in one or more newspapers of the county at least ten days before such examination.

Board to hold regular examinations.

May hold additional examinations.

What certificate may be granted.

Schedule of examinations.

Am. 1893, Act 34; 1895, Act 66; 1901, Act 99.
People v. Howlett, 94 / 170.

(180.) § 4812. SEC. 5. The board of school examiners shall meet on the Saturday of the week following each public examination held according to the provisions of section four of this act and shall grant certificates to teachers in such form as the superintendent of public instruction shall prescribe, licensing as teachers all persons who have attained the age of eighteen years, who have attended such public examinations, and who shall be found qualified in respect to good moral character, learning and ability, to instruct and govern a school, but no certificate shall be granted to any person who, having arrived at the age of twenty-one years, is not a citizen of the United States, and who shall not have passed a satisfactory examination in orthography, reading, writing, grammar, geography, arithmetic, theory and art of teaching, United States history, civil government, and physiology and hygiene with reference to the effect of alcoholic drinks, stimulants and narcotics upon the human system: Provided, That any commissioner may, upon the request of any holder of a second grade certificate, send the papers written by such person, properly certified and under seal, to the county board of school examiners of any other county for their examination, and such board of school examiners may, in their discretion, receive such papers, and if they accept them, shall treat them in the same manner as if written at a public examination in their own county. The board of examiners shall have the right, however, to renew without examination the certificates of persons who shall have previously attained an average

Meeting of board to grant certificates.

When board may renew certificates without examination.

Signing of
certificates.

Superintend-
ent of public
instruction to
prepare exam-
ination ques-
tions.

standing of at least eighty-five per cent in all the studies covered in two or more previous examinations and who shall have been since such last named examination continuously and successfully teaching in the same county: Provided further, That in the renewal of a certified first grade certificate the person shall not be restricted to teaching in any one county. All certificates shall be signed by the county commissioner and by at least one of the members of the board of examiners. No person shall be considered a qualified teacher within the meaning of this act, nor shall any school officer employ or contract with any person to teach in any of the public schools under the provisions of this act who has not a certificate in force granted by the board of school examiners or other lawful authority. All examination questions shall be prepared and furnished by the superintendent of public instruction, to the county commissioner, under seal, to be opened in the presence of the applicants for certificates on the day of examination.

Am. 1901, Act 99.

People v. Howlett, 94 / 170; O'Leary v. Sch. Dist., 118 / 469.

Grades of
certificates.

First grade.

Proviso.

Dissatisfac-
tion of appli-
cant.

Proviso as to
where first
grade to be
used.

Second grade.

(181.) § 4813. SEC. 6. There shall be three grades of certificates granted by the board of school examiners, in its discretion, and subject to such rules and regulations as the superintendent of public instruction may prescribe, which grades of certificates shall be as follows: The certificate of the first grade shall be granted only to those who have taught at least one year with ability and success, and it shall be valid throughout the state for four years: Provided, That all examination papers for first grade certificates, favorably passed upon by the board of examiners, together with such certificate shall be forwarded to the superintendent of public instruction within ten days from date of examination for inspection: Provided further, That any applicant for a first grade certificate who feels that the county board of school examiners have not given his papers the credit due them, may order them sent to the state superintendent of public instruction for inspection; and if the standings given by the state superintendent of public instruction are sufficient for his indorsement of the certificate, the county board of school examiners shall issue such certificate, unless they shall give reasons satisfactory to superintendent of public instruction for withholding the same: And provided further, That no first grade certificate shall be valid in any county other than that in which it is granted, unless approved and countersigned by the superintendent of public instruction and a copy filed with the county commissioner in the county in which the holder of said certificate desires to teach. The certificate of the second grade shall be granted only to those who shall have taught at least seven months with ability and success, and it shall be valid throughout the county for which it shall be granted for three

years. The certificates of the third grade shall be divided into two classes known as A and B. Third grade certificates of class A shall be granted only to persons who have taught successfully and continuously for at least three years next preceding the examination, in primary departments of graded schools, and the [certificate] certificates of this class shall entitle the holder to teach in primary departments of graded schools only. Third grade certificates of class B shall license the holder to teach in any school of the county in which it shall be granted, for one year; but no more than three certificates of this class shall be granted to the same person: **Third grade, two classes.** Provided, That the county commissioner shall have power upon personal examination satisfactory to himself or herself to grant certificates which shall license the holder thereof to teach in a specified district for which it shall be granted, but such certificate shall not continue in force beyond the time of the next public examination and in no case shall a second special certificate be granted the same person, and it shall not in any way exempt the teacher from a full examination. **Proviso as to special certificates.**

Am. 1893, Act 34; 1901, Act 99.

CERTIFICATES: The general policy of the school law is that schools Teachers' shall be taught by qualified teachers, but necessities may arise where this cannot be done. When such necessity arises, the district may employ a teacher without a certificate, if the board is satisfied of his qualifications and pay him out of any moneys except primary school money and mill tax.—Hale v. Risley, 69 / 596. As to the liability of the district for such services, see Id.; Stockdale v. Sch. Dist., 47 / 226; Crane v. Sch. Dist., 61 / 299; Smith v. Sch. Dist., 69 / 589. See Sch. Dist. v. Crook, 47 / 112. A certificate issued to one who has not taken an examination at all and whose qualifications are not ascertained upon an examination, is not such a certificate as the law provides for.—People v. Howlett, 94 / 170-1. The action of the board of examiners in refusing a certificate cannot be questioned by the rejected applicant in a suit to recover wages she would have earned under her contract but for such adverse action.—Lee v. Sch. Dist., 71 / 361. A certificate, issued for three years, cannot be legally extended by the secretary, by being changed to read for four years, after the board of examiners who issued it have gone out of office.—Bryan v. Sch. Dist., 111 / 87.

SPECIAL CERTIFICATES: The secretary of the board (under the old law) had no right, after the refusal of the board to grant a certificate, to issue a special certificate to the rejected applicant.—Lee v. Sch. Dist., 71 / 361. The object of a special certificate is to bridge over the time between the commencement of a school and the next meeting of the examiners and such a certificate has life only until the next regular examination.—Id.; People v. Howlett, 94 / 170.

(182.) § 4814. SEC. 7. The board of school examiners may suspend or revoke any teacher's certificate issued by them for any reason which would have justified said board in withholding the same when given, for neglect of duty, for incompetency to instruct or govern a school, or for immorality, and the said board may, within their jurisdiction, suspend for immorality or incompetency to instruct and govern a school the effect of any teacher's certificates that may have been granted by other lawful authority: **Suspension of certificates, etc.** Provided, That no certificate shall be suspended or revoked without a personal hearing, unless the holder thereof shall, after a reasonable notice, neglect or refuse to appear before the said board for that purpose. **Proviso.**

Carver v. Sch. Dist., 113 / 524.

IMMORALITY: A communication representing that a certain person was of bad moral character and unfit to have the care of a school, made in good

faith for the purpose of preventing such person's teaching the school, is privileged and is justified by proof that he is a blasphemer, habitually profane and a Sabbath-breaker.—*Wieman v. Mabey*, 45 / 484.

- (183.) § 4815. SEC. 8. It shall be the duty of the county commissioner: First, Immediately after his or her qualification as commissioner, to send notice thereof to the superintendent of public instruction and the chairman of each township board of school inspectors of the county;
- Second, To keep a record of all examinations held by the board of school examiners and to sign all certificates and other papers and reports issued by the board;
- Third, To receive the institute fees provided by law and to pay the same to the county treasurer quarterly, beginning September thirty, in each year;
- Fourth, To keep a record of all certificates granted, suspended or revoked by the said board or commissioner, showing to whom issued, together with the date, grade, duration of each certificate and, if suspended or revoked, with the date and the reason thereof;
- Fifth, To furnish, previous to the first Monday in September in each year to the township clerk of each town in the county a list of all persons legally authorized to teach in the county at large during the current school year, and in such township, with the date and term of each certificate, and if any have been suspended or revoked, the date of such suspension or revocation;
- Sixth, To visit each of the schools in the county at least once in each year and to examine carefully the discipline, the mode of instruction, and the progress and proficiency of pupils: Provided, That in counties containing one hundred twenty or more districts the commissioner of schools is hereby authorized to appoint such assistants as may be necessary, who shall perform such duties as said commissioner shall direct: Provided, That in counties containing less than one hundred twenty districts such assistants shall be appointed with the consent of the board of supervisors: Provided further, That the whole expense incurred by such assistants shall not exceed the sum of ninety dollars in one year in any county;
- Seventh, To counsel with the teachers and the school board as to the course of study to be pursued, and as to any improvement in the discipline and instruction in the schools;
- Eighth, To promote by such means as he or she may devise, the improvement of the schools in the county, and the elevation of the character and qualifications of the teachers and officers thereof, and act as assistant conductor of institutes appointed by the superintendent of public instruction and perform such other duties pertaining thereto as the superintendent shall require;
- Ninth, To receive the duplicate annual reports of the several boards of school inspectors, examine into the correctness of the same, requiring them to be amended when necessary,
- Duty of commissioner.
- Notice of qualification.
- Record of examinations, etc.
- Of fees.
- Record of certificates.
- List of teachers, etc.
- To visit schools, etc.
- Proviso as to assistant visitors.
- Counsel with teachers, etc.
- Improvement of schools, etc.
- To receive annual reports, etc.

endorse his or her approval upon them, and immediately thereafter and before the first day of November in each year, transmit to the superintendent of public instruction one copy of each said reports and file the other in the office of the county clerk;

Tenth, To be subject to such instructions and rules as the superintendent of public instruction may prescribe; to receive all blanks and communications that may be sent to him or her by the superintendent of public instruction and to dispose of the same as directed by the said superintendent, and to make annual reports at the close of the school year to the superintendent of public instruction of his or her official labor, and of the schools of the county, together with such other information as may be required;

Subject to instructions of superintendent of public instruction, etc.

Eleventh, To perform such other duties as may be required of him or her by law, and at the close of the term of office to deliver all records, books and papers belonging to the office, to his or her successor.

Other duties.

Am. 1901, Act 99.

(184.) § 4816. SEC. 9. It shall be the duty of the chairman of the board of school inspectors of each township:

Duty of chairman.

First, To have general supervisory charge of the schools of his township, subject to such advice and direction as the county commissioner may give;

Supervision of schools, etc.

Second, To make such reports of his official labors and of the condition of the schools as the superintendent of public instruction may direct or commissioner request.

To make reports, etc.

(185.) § 4817. SEC. 10. The compensation of each commissioner shall be determined by the board of supervisors of each county respectively, but the compensation shall not be fixed at a sum less than five hundred dollars per annum in any county where there are fifty schools under his or her supervision; at not less than one thousand dollars per annum where there are one hundred schools under such supervision; and not less than twelve hundred dollars where there are one hundred and twenty-five schools under his supervision; and in no case shall such compensation exceed the sum of fifteen hundred dollars per annum. Each member of the board of school examiners other than the county commissioner shall receive four dollars for each day actually employed in the duties of his office. The compensation of any assistant visitor, when appointed as provided in this act, shall be determined by the county commissioner, but in no case shall it exceed three dollars for each day employed. The compensation of the county commissioner, members of the board of school examiners and of any assistant visitor shall be paid quarterly from the county treasury, upon such commissioner or visitor filing with the county clerk a certified statement of his or her account, which shall give in separate items the nature and amount of the ser-

Compensation of commissioner.

Of examiners.

Of assistant visitors.

To be paid quarterly.

Proviso. vice for each day for which compensation is claimed: Provided, That in no case shall the county commissioner receive any order for compensation from the county clerk until he has filed a certified statement from the superintendent of public instruction that all reports required of the commissioner have been properly made and filed with said superintendent: **Further proviso.** Provided further, That no commissioner shall receive an order for compensation until he shall have filed with the county clerk a detailed statement under oath showing what schools have been visited by him during the preceding quarter and what amount of time was employed in each school, naming the township and school district. The necessary contingent expenses of the commissioner for printing, postage, stationery, record books and rent of rooms for public examinations shall be audited and allowed by the board of supervisors of the county, **Of contingent expenses.** but in no county shall the expenses so allowed exceed the sum of two hundred dollars per annum and no traveling fees shall be allowed to the commissioner or to any assistant visitor or school examiner. **Limit of.**

ASSISTANT VISITOR: Mandamus to compel the payment of an assistant visitor of schools, for services rendered under this act, was denied, when the commissioner had not determined the compensation, as required.—Hicks v. Wayne Co. Auditors, 97 / 611.

Who shall not act as agent. (186.) § 4818. SEC. 11. No superintendent of public instruction, instructor at institute, county commissioner or examiner, shall act as agent for the sale of any school furniture, text-books, maps, charts or other school apparatus.

Am. 1895, Act 66.

Of vacancies. (187.) § 4819. SEC. 12. Whenever by death, resignation, removal from office or otherwise a vacancy shall occur in the office of the county commissioner of schools, the county clerk shall issue a call to the chairman of the township board of school inspectors of each township in the county, who shall meet at the office of the county clerk on a date to be named in said [notices] notice not more than ten days from the date of the notice, and appoint a suitable person to fill the vacancy for the unexpired portion of the term of office.

Licensing and employment of teachers. (188.) § 4820. SEC. 13. The officers of every school district, except as hereinafter provided, which is, or shall hereafter be, organized in whole or in part in any city or village in this state, which is incorporated under the general laws or by special enactment, in which enactment special provisions exist in regard to licensing teachers, shall employ only such teachers as are legally qualified under the preceding sections of this act: **Proviso as to cities employing superintendent and principal.** Provided, That in incorporated cities employing a principal of the high school and also a superintendent of schools, who gives not less than one-half of his time to school supervision, the superintendent of schools and the board of

education, or a committee thereof, shall be empowered to examine their teachers and grant certificates to such as are not already legally qualified, at such times and in such form as the superintendent of public instruction shall prescribe: And provided further, That cities having a special and thoroughly equipped normal training department, under control of a special training teacher, such school having a course of not less than one year, shall be exempt from the provisions of this section as to the examination of the teachers. Any board of education that shall violate the provisions of this act by employing a teacher who is not legally qualified, shall forfeit such a proportion of the primary school interest fund as the number of unqualified teachers employed bear to the whole number of teachers employed in the district. All school districts organized by special enactment shall, through their proper officers, make such reports as the superintendent of public instruction may require.

Provision as to normal training department.

When primary school interest fund shall be forfeited.

Am. 1895, Act 66; 1901, Act 90.
Section 14 repeals "all acts or parts of acts conflicting with the provisions of this act." As to one effect of this repeal, see *Perrizo v. Kesler*, 93 / 284.

An Act to provide for the EXAMINATION OF CANDIDATES FOR ADMISSION TO THE AGRICULTURAL COLLEGE by county commissioners of schools.

[Act 101, 1895.]

(189.) § 4821. SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the state superintendent of public instruction to secure, at least twice each year, from the president of the Michigan agricultural college, a set of examination questions in all the studies required for admission to said college. It shall also be the duty of the state superintendent of public instruction to send a printed list of said examination questions to each county commissioner of schools.

Duty of state superintendent of public instruction.

(190.) § 4822. SEC. 2. It shall be the duty of each county commissioner of schools to give public notice of this examination at the time of all regular teachers' examinations, and to submit the questions aforesaid to any candidate who may desire to enter the agricultural college. The examination shall be conducted in the same manner as are the regular teachers' examinations of the county. The work of each and every candidate, together with the name and address, shall be forwarded by the commissioner, within five days from the date of the examination, to the president of the college, who shall examine and grade the answers and report to the candidate within five days of the receipt of the paper the result of the examination. A standing of seventy per cent in each branch will admit to freshman class of the college without further examination.

County commissioner of schools shall give notice of examination.

Examination, how conducted

TOWNSHIP SCHOOL DISTRICTS IN THE UPPER PENINSULA.

An Act for the organization of TOWNSHIP SCHOOL DISTRICTS in the UPPER PENINSULA.

[Act 176, 1891.]

Petition for
organization.

Clerk to notify
board, etc.

To be single
districts, etc.

Proviso.

(191.) § 4823. SECTION 1. *The People of the State of Michigan enact*, That whenever the qualified electors of any organized township in the upper peninsula desire to become organized into a single school district, they may petition the township board to give notice that at the succeeding township meeting the officers for such organized school district will be chosen, and such other business transacted as shall be necessary thereto. Such petition shall be signed by a majority of the qualified electors of the township and shall be filed in the office of the township clerk at least fifteen days prior to the annual township meeting. Upon the receipt and filing of said petition, the township clerk shall notify the members of the township board and the school [inspector] inspectors of the township to attend a special meeting to be held not more than five days thereafter, and at which meeting it shall be the duty of such township board to compare the names signed to the petition with the names appearing on the list of registered voters qualified to vote at the preceding election, and if it be found that a majority of the voters qualified to vote at the preceding election have signed the petition that the organized township of which they are resident be organized as a single school district, they shall give notice that at the then succeeding township meeting officers will be chosen for such organized school district; and shall make and file, both with the county clerk and the secretary of the board of school inspectors of the county in which such township is located, a certified copy of the above mentioned petition together with their finding and doings thereon, and thereupon such township shall become a single school district which shall be subject to all the general laws of the state, so far as the same may be applicable, and said district shall have all the powers and privileges conferred upon union school districts by the laws of this state, all the general provisions of which relating to common or primary schools shall apply and be enforced in said district, except such as shall be inconsistent with the provisions of this act, and all schools organized in said district in pursuance of this act, under the directions and regulations of said board of education shall be public and free to all persons actual residents within the limits thereof, between the ages of five and twenty years, inclusive, and to such other persons as the board of education shall admit: *Provided*, That whenever the majority of electors in any surveyed township in such organized township shall petition the board of education to establish a school or schools therein, the said

board of education are hereby authorized and directed within three months thereafter to organize such school or schools therein.

This act is constitutional.—*Perrizo v. Kesler*, 93 / 280; *Keweenaw Ass'n v. Sch. Dist.*, 98 / 441. The provision, authorizing the township board and school inspectors to determine whether a majority of the qualified electors of the township have signed the petition, is sufficient.—*Id.* As to filing a certified copy of the petition, etc., with the county commissioner of schools, instead of with the secretary of the board of school inspectors, see *Id.* 284.

(192.) § 4824. SEC. 2. The officers of said district shall consist of two trustees, who, together with the clerk and school inspectors of said township, shall constitute the board of education of said district. Said trustees shall be elected by ballot at the annual township meeting of the township, upon the same ticket and canvassed in the same manner as township officers required by law to be elected by ballot: Provided, That at the annual election to be held in said township next subsequent to the filing of the petition as set forth in section one of this act there shall be elected two trustees for said district by the electors thereof, one of whom shall hold his office for the term of one year and the other one for the term of two years, and until their successors shall be elected and qualified, and the time for which the person voted for is intended shall be designated on the ballot, and at each election thereafter to be held one trustee shall be elected in said district, who shall hold his office for the term of two years, and until his successor shall be elected and qualified, said trustee to be designated on the ticket or ballot for "member of board of education."

Board of education, who to constitute.

Proviso.

Term of office.

To be designated on ballot.

Am. 1893, Act 104. *Perrizo v. Kesler*, 93 / 283.

(193.) § 4825. SEC. 3. Within five days after the annual election the township clerk shall notify, in writing, the persons elected trustees under this act of their election, and within five days thereafter said trustees so elected shall take and subscribe the oath of office prescribed by the constitution of this state, before any officer authorized to administer oaths, and file the same with the township clerk. The term of office of the [trustee] trustees of said district shall commence on the second Monday following the annual township election at which they are elected.

Duty of township clerk, etc.

(194.) § 4826. SEC. 4. The members of the board of education shall meet on the third Monday of April of each year, at the office of the township clerk, and organize. The school inspector of the township whose term of office will soonest expire shall be president of the board and shall be entitled to vote in all cases. In the absence of the president at any meeting a majority of the members present may choose one of their own number president pro tem. The township clerk of said township shall be ex officio clerk of said board of education,

Organization of board, etc.

Clerk.

Treasurer. and shall be entitled to vote thereon, and in case of the absence of said clerk the board may choose some suitable person to perform his duties. Said board shall on said third Monday of April in each year elect from their own number a treasurer, who shall hold his office for one year and until his successor is elected and qualified and may at any time fill a vacancy in the office of treasurer: **Proviso.** Provided, That the person appointed to fill a vacancy in the office of treasurer shall hold the office for the unexpired portion of the term only. The treasurer of said board shall, within five days after his appointment as such treasurer, file with the clerk of said board the constitutional oath of office. **To give bond.** He shall also, before entering upon the duties of his office, give a bond to said district in such sum and with such sureties as said board shall determine and approve, conditioned for the faithful performance of his duties under this act, and honestly accounting for all moneys coming into his hands belonging to said district. The treasurer of said board shall have the keeping of all school and library moneys, and shall not pay out the same without the authority of the board, upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president.

Vacancies. (195.) § 4827. SEC. 5. Said board of education shall have power to fill vacancies that may occur in the office of trustee until the next annual election, and such trustee shall file with the clerk of said board his oath of office within five days after such appointment by the board.

Quorum, meetings, etc. (196.) § 4828. SEC. 6. A majority of the members of said board shall constitute a quorum, and the regular meetings of said board shall be held on the third Monday of April, August and December in each year, and no notice of such meeting shall be required, and any two members of said board shall be sufficient to adjourn any meeting from time to time until a quorum is present. Special meetings of said board may be called at any time on the request of the president, or any two members thereof, in writing, delivered to the clerk; and the clerk upon receiving such request shall at once notify each member of said board, if within said district, of the time of holding such meeting, which shall be at least three days subsequent to the time of receiving such request by said clerk. All [the] meetings of said board shall be held at the township clerk's office, unless otherwise ordered by a resolution of the board; and all records and papers of said district shall be kept in the custody of said clerk and shall be open to the inspection of any taxpayer of said district.

Schafer v. Sch. Dist., 116 / 206.

Board to report, etc.

(197.) § 4829. SEC. 7. The said board shall be the board of school [inspection] inspectors for said district and shall, as such, report to the clerk of the county in which such township is located and shall have all the powers and perform all the

duties now enjoyed and performed by boards of school inspectors, and the president of said board shall perform all the duties required by law of the chairman of the board of school inspectors, and the board of school inspectors for such township is hereby abolished except as its powers are vested in said board of education.

(198.) § 4830. SEC. 8. The board of education of said district shall have power and authority to designate and purchase school house sites, erect buildings and furnish the same, employ legally qualified teachers, provide books for district library, make by-laws relative to taking the census of all children in said district between the ages of five and twenty years, and to make all necessary reports and transmit the same to the proper officers, as designated by law, so that the district may be entitled to its proportion of the primary school fund; and said board shall have authority to make all needful regulations and by-laws relative to visitation of schools; relative to the length of time schools shall be kept, which shall not be less than three months in each year; relative to the employment of teachers duly and legally qualified; relative to the regulations of schools and the books to be used therein, and generally to do all things needful and desirable for the maintenance, prosperity and success of the schools of said district, and the promotion of a thorough education of the children thereof. It shall be the duty of the treasurer of said board to apply for and receive from the township treasurer or other officer holding the same, all moneys appropriated for primary [schools] school and district library of said district.

Powers of board, etc.
Treasurer to apply for moneys.

Perrizo v. Kesler, 93 / 283.

(199.) § 4831. SEC. 9. At each annual township meeting held in said township, the qualified electors present shall determine the amount of money to be raised by tax for all school purposes for the ensuing year: Provided, That in case the electors at any annual township meeting shall neglect or refuse to determine the amount to be raised as aforesaid, then the board of education shall determine the same at any regular meeting thereof, which amount the township clerk shall, within sixty days thereafter, certify to the supervisor of the township, who shall spread the same upon the regular tax roll of said township, and the same shall be levied, collected and returned in the same manner as other township taxes: Provided, That for purchasing school lots and for erecting school-houses, no greater sum than three mills on the dollar of all the taxable valuation of the real and personal property in said township shall be levied in any one year.

Tax for school purposes.
Proviso.
Idem.

Auditor General v. Duluth, South Shore, etc., 116 / 122; Auditor General v. Sparrow, 116 / 576.

Of assessment roll. (200.) § 4832. SEC. 10. All taxes assessed within said township for school purposes shall be set forth in the assessment roll of said township, in a separate column, apart and distinct from all other township taxes.

Treasurer to report, etc. (201.) § 4833. SEC. 11. The treasurer of the township shall at any time, at the written request of said board of education, report to said board the amount of school money in his hands, and shall, on the order of the president of said board of education, pay to the treasurer of said board all such money, taking his receipt therefor, and also a duplicate receipt which he shall file with the clerk of said board.

Board to make statement, etc. (202.) § 4834. SEC. 12. The said board shall annually, prior to the first day of April in each year, make a detailed statement of the number of schools in said district, the number of teachers employed, and the number of pupils instructed therein during the preceding year, and the expenditures of said board for all purposes, and also the resources and liabilities of said district, which report or statement shall be entered at length in the record of said board and shall be publicly read by the president of said board, or in his absence by the clerk thereof, to the electors of said township at their annual meeting on the first Monday of April thereafter at the hour of twelve o'clock noon.

Disposition of school property. (203.) § 4835. SEC. 13. All school property, both real and personal, within the limits of a township incorporated as aforesaid, shall, by force of this act, become the property of the public schools of such township, and all debts and liabilities of the primary school districts of said township, as they existed prior to its incorporation under the provisions of this act, shall become the debts and liabilities of said public schools of the township so incorporated.

While the injustice and inequality of this section may well be admitted, in certain cases, yet there is no constitutional objection to it.—*Perrizo v. Kessler*, 93 / 283-4.

Of moneys raised by tax. (204.) § 4836. SEC. 14. All money raised or being raised by tax, or accrued or accruing to the school districts of said township, as organized under the primary school laws of this state shall hereby become the money of the public school of the township and no tax heretofore ordered assessed or levied for school purposes in said township or other proceedings shall be invalidated or affected by means of this act.

Compensation of board, etc. (205.) § 4837. SEC. 15. The compensation of the members of the board of education shall be one dollar and fifty cents for each day's actual service rendered for said district, and the clerk and treasurer of said board shall receive such compensation for their services as the board may determine, not exceeding fifty dollars each per annum.

When township is divided, etc. (206.) § 4838. SEC. 16. When any township district shall be divided into two or more townships, the existing board of trustees shall continue to act for all the townships until the

same have been organized and the township boards of trustees duly elected and qualified therein. Immediately after such organization the township boards of each of the townships shall meet in joint session and direct an appraisal of all the school property of the former township to be made. When such appraisal has been made, said township boards shall make an equitable division of the existing assets and liabilities of the school district of such former township, basing their apportionment upon the amount of taxable property in the township divided, as shown by the last assessment roll of such former township. When a township district shall be altered in its limits by annexing a portion of its territory to another township or townships, the township boards of each of the townships shall, immediately after such alteration, meet in joint session and make an equitable division of the assets and liabilities of the school district of the township from which the territory has been detached, basing their division upon the amount of taxable property, as the same shall appear upon the last assessment roll of such township.

Alteration of township, etc.

TEACHERS' INSTITUTES.

An Act to provide for the better SUPPORT OF TEACHERS' INSTITUTES, and to repeal sections three thousand seven hundred and eighty-nine, three thousand seven hundred ninety, and three thousand seven hundred ninety-one of the compiled laws of eighteen hundred and seventy-one.

[Act 53, 1877.]

(207.) § 4839. SECTION 1. *The People of the State of Michigan enact*, That all boards or officers, authorized by law to examine applicants for certificates of qualification as teachers, shall collect, at the time of examination, from each male applicant for a certificate, an annual fee of one dollar, and from each female applicant for a certificate, an annual fee of fifty cents, and the director and secretary of any school board that shall employ any teacher who has not paid the fee hereinbefore provided, shall collect, at the time of making contract, from each male teacher so employed, an annual fee of one dollar, and from each female teacher so employed, an annual fee of fifty cents. All persons paying a fee as required by this section, shall be given a receipt for the same, and no person shall be required to pay said fee more than once in any school year.

Boards to collect fees from applicants for certificates.

When to be collected by director, etc., of school board.

Receipt.

Am. 1883, Act 112.

ACT VALID: This act does not conflict with Const. xiv, 1, on the ground that the fees are specific taxes; nor on the ground that the fees are not uniform. This section is not defective, incomplete, ineffectual and therefore void.—Hammond v. School Board, 109 / 676.

(208.) § 4840. SEC. 2. All such fees, collected by the director or secretary of any school board, shall be paid over to the secretary of the county board of school examiners of the

Disposition of fees.

county in which they were collected, on or before the fifteenth day of March, June, September and December, accompanied by a list of those persons from whom they were collected, and all of such fees, together with all those that shall be collected by the county board of school examiners, shall be paid over by the secretary of said board of school examiners to the treasurer of the county in which they were collected, on or before the last day of March, June, September and December, in each year, accompanied by a complete list of all persons from whom said fees were collected, and a like list, accompanied by a statement from the county treasurer that said fees have been paid to him, shall be sent by said secretary to the superintendent of public instruction. All moneys paid over to the county treasurer, as provided by this act, shall be set apart as a teacher's institute fund, to be used as hereinafter provided.

Am. Id.

Annual county institute.

Proviso—when optional with superintendent.

Proviso.

Proviso.

(209.) § 4841. SEC. 3. The superintendent of public instruction shall annually appoint a time and place in each organized county for holding a teachers' institute, make suitable arrangements therefor, and give due notice thereof: Provided, That in organized counties having less than one thousand children between the ages of five and twenty years, the holding of such institute shall be optional with the said superintendent, unless requested to hold such institute by fifteen teachers of the county in which such institute is to be held: Provided, however, That if there shall not be a sufficient number of teachers in any county to make such request, then teachers of adjoining counties who desire to attend such institute may unite in the required application to said superintendent: Provided, also, That the said superintendent may, in his discretion, hold an institute for the benefit of two or more adjoining counties, and draw the institute fund from each of the counties thus benefited, as hereinafter provided.

Am. 1879, Act 68.

In case of inability of superintendent.

Certificate of attendance.

Teachers attending not to forfeit wages.

(210.) § 4842. SEC. 4. The superintendent of public instruction, in case of inability personally to conduct any institute, or to make the necessary arrangements for holding the same, is hereby authorized to appoint some suitable person for that purpose, who shall be subject to the direction of said superintendent. Every teacher attending any institute held in accordance with the provisions of this act, shall be given by the superintendent of public instruction, or by the duly appointed conductor, a certificate setting forth at what sessions of said institute such teacher shall have been in attendance, and any teacher who shall have closed his or her school, in order to attend said institute, shall not forfeit his or her wages as teacher, during such time as he or she shall have

been in attendance at said institute, and the certificate hereinbefore provided shall be evidence of such attendance.

(211.) § 4843. SEC. 5. For the purpose of defraying the expenses of rooms, fires, lights, or other necessary charges, and for procuring teachers and lecturers, the said superintendent, or the person duly authorized by him to conduct said institute, may demand of the county clerk of each county for the benefit of which the institute is held, who shall thereupon draw an order on the county treasurer of his county for such sum, not exceeding the amount of the institute fund in the county treasury, as may be necessary to defray the expenses of said institute; and the treasurer of said county is hereby required to pay over to said superintendent or duly appointed institute conductor, from the institute fund in his hands, the amount of said order.

Expense of
institute,
how paid.

Am. Id.

(212.) § 4844. SEC. 6. In case the institute fund in any county shall be insufficient to defray the necessary expenses of any institute held under the provisions of this act the auditor general shall, upon the certificate of the superintendent that he has made arrangements for holding such institute, and that the county institute fund is insufficient to meet the expenses thereof, draw his warrant upon the state treasurer for such additional sum as said superintendent shall deem necessary for conducting such institute, which sum shall not exceed one hundred dollars for each institute, and shall be paid out of the general fund.

May draw on
state treasurer.

Am. 1899, Act 64.

(213.) § 4845. SEC. 7. The superintendent is authorized to hold, once in each year, an institute for the state at large, to be denominated a state institute, and for the purpose of defraying the necessary expenses of such institute, the auditor general shall, on the certificate of said superintendent that he has made arrangements for holding such institute, draw his warrant upon the state treasurer for such sum as said superintendent shall deem necessary for conducting such institute, which sum shall not exceed four hundred dollars and shall be paid out of the general fund: Provided, That not more than three thousand dollars shall be drawn from the treasury, or any greater liability incurred in any one year to meet the provisions of this act.

Yearly state
institute.

Am. Id.

(214.) § 4846. SEC. 8. The superintendent of public instruction or the conductor of the institute by him appointed, drawing money from the county treasurer, under section five of this act, shall, at the close of each institute, furnish to the

Vouchers for
payments.

county treasurer, vouchers for all payments from the same in accordance with this act, and he shall return to the county treasurer whatever of the amount that may remain unexpended, to be replaced in the institute fund.

COMPULSORY EDUCATION.

An Act to provide for the COMPULSORY EDUCATION of children, for the PUNISHMENT OF TRUANCY, and to repeal all acts or parts of acts conflicting with the provisions of the same.

[Act 95, 1895.]

(215.) § 4847. SECTION 1. *The People of the State of Michigan enact*, That every parent, guardian or other person in the state of Michigan having control and charge of any child or children between the the ages of eight and fifteen years and in cities between the ages of seven and fifteen years, shall be required to send such child or children to the public school for a period of at least four months in each school year, except that in cities having a duly constituted police force, the attendance at school shall not be limited to four months beginning on the first Monday of the first term in his or her district after September first of each year. And such attendance, in cities, shall be consecutive until each and every pupil between the ages of seven and fifteen years shall have attended school the entire school year previous to the thirtieth day of June in each school year: Provided, If it be shown that any such child or children are being taught in a private school in such branches as are usually taught in the public schools, or have already acquired the ordinary branches of learning taught in public schools, or if the person or persons in parental relation to such child or children present a written statement that such child or children is or are physically unable to attend school, the truant officer or district board may employ a reputable physician to examine such child or children, and if such physician shall certify that such child or children is or are physically unable to attend school, such child or children shall be exempt from the provisions of this act: Provided further, That the school boards in cities may on the recommendation of the superintendent of schools and of the truant officer, exempt children over fourteen years of age from attendance at school for either a part or for the whole of the time until they shall severally reach the age of fifteen years, for any reason that said boards may deem sufficient: And further provided, That in case a public school shall not be taught for four months during the time herein specified, within two miles by the nearest traveled road, of the residence of any such child or children (under nine years of age), shall not be liable to the provisions of this act.

Compulsory education of children under certain age.

Proviso as to children taught in private school.

Truant officer to employ physician to examine children unable to attend school.

Proviso as to exempting certain children from attending school.

Further proviso as to what children shall be exempt.

(216.) § 4848. SEC. 2. The district board or board of education in each school district in this state which shall have been organized as a graded school district or as a township district according to the laws of this state (or the school house of which shall be within the corporate limits of any incorporated village), shall, previous to the tenth day of September of each year, appoint a truant officer for the current school year (and until his successor shall be appointed and qualified, and shall fill any vacancy in such office that shall occur during the year); and the district board of any school district having a school population of fifty or more, according to the last school census, may, in its discretion appoint such truant officer. In school districts organized under the primary school law, and having no truant officer appointed by the district board, the chairman of the township board of school inspectors shall be the truant officer, and shall perform all the duties of truant officer, as provided for in this act, so far as the provisions of this law apply to the territory over which he has jurisdiction: Provided, That in cities having a duly organized police force, it shall be the duty of the police authorities, at the request of the school authorities, to detail one or more members of such police force to perform the duties of truant officer, providing that nothing herein shall be construed as prohibiting a city board of education from appointing any citizen not a police officer as truant officer. The compensation of the truant officer, in graded school districts (school districts, the school house of which is within the corporate limits of any incorporated village and in school districts exercising such discretionary appointing power, shall be fixed by the board which appoints), and in townships such compensation shall be fixed by the township board, but in no case shall such compensation be less than one dollar and fifty cents per day for the time actually employed under the direction of the school board in the performance of the official duties of such truant officer. Such compensation shall be allowed and paid to such truant officers in the same manner that other incidental expenses are allowed and paid by such board.

District board
to appoint
truant officer.

In townships
who to be
truant officers.

Proviso as to
cities having
organized
police force.

Compensation
of truant
officers.

Am. 1901, Act 83.

(217.) § 4849. SEC. 3. It shall be the duty of the school director at the commencement of each term of school to provide the teacher with a copy of the last census. At the expiration of each month of school the teacher shall examine the said census list and report to the proper truant officer the names of such children upon the census list as have not, during the preceding month, attended school according to the provisions of this act. It shall be the duty of the truant officer (whenever notified by teacher or other persons of violations of this act), to investigate all cases of truancy or non-

Duty of
director.

Duty of
teacher.

Duties of
truant officers.

attendance at school and render all service within his power to compel children to attend school, and when informed of continued non-attendance by any teacher or resident of the school district he shall immediately notify the persons having control of such children that on the following Monday such children shall present themselves with the necessary textbooks for instruction in the proper school or schools of the district. The notice shall inform said parent or guardian that attendance at school must be consecutive at least eight half days of each week until the end of that term, except in cities having a duly constituted police force, attendance in school shall be continuous. In case any parent, guardian or other person shall fail to comply with the provisions of this act he shall be deemed guilty of a misdemeanor and shall, on conviction, be liable to a fine of not less than five dollars nor more than fifty dollars, or by imprisonment in the county or city jail for not less than two or more than ninety days, or both such fine and imprisonment in the discretion of the court.

Notice of
truant officer
to parent or
guardian.

When parent
or guardian
guilty of a
misdemeanor.

Am. Id.

Where un-
graded school
districts may
be established
for the instruc-
tion of certain
children.

(218.) § 4850. SEC. 4. In all city school districts in this state having a school census of five hundred or more pupils, the school board or officers having in charge the schools of such districts may establish one or more ungraded schools for the instruction of certain children, as defined and set forth in the following section. They may, through their truant officer and superintendent of schools, require such children to attend said ungraded schools, or any department of their graded schools, as said board of education may direct.

Who deemed
juvenile
disorderly
persons.

To be classified
into three
classes.

(219.) § 4851. SEC. 5. The following classes of persons between the ages of eight and fourteen years, and in cities between the ages of seven and sixteen years, shall be deemed juvenile disorderly persons, and shall, in the judgment of the proper school authorities, be assigned to the ungraded school or schools as provided in section four of this act: Class one, habitual truants from any school in which they are enrolled as pupils; class two, children who, while attending any school, are incorrigibly turbulent, disobedient or insubordinate, or are vicious or immoral in conduct; class three, children who are not attending any school and who habitually frequent streets and other public places, having no lawful business, employment or occupation.

Truant officer
to make com-
plaint against
parent or
guardian for
neglect of
duty.

(220.) § 4852. SEC. 6. It shall be the duty of the truant officer, in case of a violation of this law, within one week after he shall have had knowledge, or shall have received notice from a teacher, superintendent, or other person of a non-compliance with the notice given to the parent or guardians as specified in section three, to make a complaint against said parent, guardian or other person having the legal charge and control of such child, before a justice of the peace in the city,

village, township or adjoining township, where the party resides, except in cities having recorder's or police court, for such refusal or neglect; and said justice of the peace, police judge or recorder's court shall issue a warrant upon said complaint and shall proceed to hear and determine the same, and upon conviction thereof said parent, guardian or other person, as the case may be, shall be punished according to the provisions of section three of this act. It shall be the duty of all school officers, superintendents or teachers, to render such assistance and furnish such information as they have at their command, to aid said truant officer in the fulfillment of his official duties.

Penalty upon conviction.

Am. 1901, Act 83.

NOTE:—The following section repeals Section 7 of Act No. 95 of the public acts of 1895.

MISCELLANEOUS OFFENSES.

An Act to prevent CRIME and PUNISH TRUANCY.

[Act 162, 1883.]

(221.) § 11765. SECTION 1. That every boy between the age of ten and sixteen years, or any girl between the age of ten and seventeen years, who shall frequent or be found lounging about saloons, disreputable places, houses of ill fame, or who shall be an inmate or resident or a member of a family who reside in any house of ill fame, or conduct any other disreputable place, or who shall frequent other rooms or places where dissolute and disreputable people congregate, or where intoxicating liquors are kept for sale, or who shall, against the command of his or her parents or guardian, run away or wilfully absent himself or herself from the school he or she is attending, or from any house, office, shop, firm or other place where he or she is residing or legitimately employed with labor, or who shall against such command of his or her parents or guardian for any immoral, disorderly or dishonest purposes be found lounging upon the public streets, highways or other public resorts or at places of amusement of dissolute or improper character, or who shall against any such command for any such disorderly or dishonest purpose attend any public dance, skating rink, or show, shall be deemed guilty as a truant or disorderly child.

What children deemed truants or disorderly persons.

Am. 1895, Act 183; 1897, Act 265.

(222.) § 11766. SEC. 2. Upon the complaint upon oath and in writing made before any justice of the peace, police justice or other criminal magistrate by the parent or guardian, or other person knowing of the facts of his own knowledge, that any girl between the age of ten and seventeen years, or that any boy between the age of ten and sixteen years, or by

Who to make complaint.

the supervisor of any township, or mayor of any city, or president of any village, and in any city of over eight thousand population by the chief of police, mayor, or other person knowing of the facts of his own knowledge, that such minor has been guilty of any of the acts specified in section one of this act, such justice of the peace, police justice or other criminal magistrate, shall issue a warrant for the arrest of such minor, and upon conviction such minor, if a boy, may be sentenced by such justice of the peace, police justice or criminal magistrate, to the industrial school for boys at Lansing, and if a girl, to the industrial home for girls at Adrian, boys until eighteen years of age, and girls until twenty-one years of age, unless sooner discharged according to law: Provided, That no person or persons shall be sent to said industrial school for boys or to the industrial home for girls until the sentence therein has been submitted to and approved by one of the judges of the recorder's court of the city of Detroit, or judge of the superior court of the city of Grand Rapids, or any circuit judge or probate judge of the county in which such conviction shall be had.

Term of sentence.

Proviso as to approval of sentence.

Am. 1899, Act 75.

Proceedings upon trial.

Duty of state agent.

(223.) § 11767. SEC. 3. The same proceedings shall be had upon the trial of any person charged with being guilty of any of the offenses mentioned in section one of this act before the justice before whom such person is brought as are had in trials for misdemeanor, as far as the same are applicable, and the state agent for the care of juvenile offenders of the county wherein such offenders may be on trial shall have authority and take the same action in the premises as is provided by act number one hundred and seventy-one of the session laws of eighteen hundred and seventy-three of this state.

POWERS, DUTIES, AND OFFICERS OF TOWNSHIPS.

(From this chapter we quote only such sections as relate to the election, powers, and duties of SCHOOL INSPECTORS.)

Annual meeting.

Officers to be elected.

(224.) § 2275. SEC. 8. The annual meeting of each township shall be held on the first Monday in April in each year, and at such meeting there shall be an election for the following officers: One supervisor, one township clerk, one treasurer, one school inspector, one commissioner of highways, so many justices of the peace as there are by law to be elected in the township, and so many constables as shall be ordered by the meeting, not exceeding four in number.

Am. 1875, Act 42; 1881, Act 158.

ANNUAL MEETINGS: Annual meetings and general elections distinguished.—People v. Knight, 13 / 242. Annual meeting held outside of township.—Id.

OFFICERS: The regulation of township affairs, legally concerning none but the people of the town, cannot be lawfully vested in any officers imposed upon the town from without.—Hubbard v. Springwells, 25 / 153, 156. See

People v. Hurlbut, 24 / 44; Att'y Gen. v. Lothrop, 24 / 235; Park Commrs. v. Common Council, 28 / 228; Att'y Gen. v. Common Council, 29 / 110; Youngblood v. Sexton, 32 / 416, 417; Allor v. Wayne Auditors, 43 / 98.

(225.) § 2276. SEC. 9. Each of the officers named in the last preceding section, shall be chosen by ballot, and before proceeding to choose the officers hereinafter directed to be chosen at such meeting. Officers to be chosen by ballot.

As to the last clause, see Section 2309.

(226.) § 2283. SEC. 13. Each school inspector elected as aforesaid shall hold his office for two years from that time and until his successor shall be elected and duly qualified, except when elected or appointed to fill a vacancy, in which case he shall hold the office during the unexpired portion of the regular term: Provided, That in the year eighteen hundred eighty-two one additional school inspector in each township shall be elected for the term of one year: Provided further, That the township superintendent of schools and school inspectors, now in office shall continue to act as school inspectors, and said superintendent of schools shall continue to act as chairman of the board of school inspectors until the school inspectors provided for by this act shall have been elected and duly qualified and shall enter upon the duties of their respective offices. Term of office of school inspectors. Vacancy.

(227.) § 2285. SEC. 15. Each township officer elected at a special meeting to fill a vacancy, shall hold his office during the then unexpired portion of the regular term of the office, and no longer, unless again elected. Officers elected to fill vacancies.

(228.) § 2374. SEC. 95. The following township officers shall be entitled to compensation at the following rates, for each day actually and necessarily devoted by them to the service of the township, in the duties of their respective offices, to be verified by affidavit, whenever required by the township boards: Officers compensated.

First, The officers composing the township board, board of registration, board of health, inspectors of election, clerks of the poll, commissioners of the highways and school inspectors, one dollar and fifty cents per day, and at the same rate for parts of days;

Second, The township clerk, as clerk of the board of commissioners of highways, of the township board, and of the board of school inspectors, one dollar and fifty cents per day, and at the same rate for parts of a day; but no township officer shall be entitled to pay for acting in more than one capacity at the same time.

Am. 1867, Act 179.

ECORSE TOWNSHIP: Act 343 of 1897 provides salaries for certain officers in Ecorse township, Wayne county, as follows: Supervisor, \$600; township clerk, \$300; highway commissioner, \$300; each justice acting on the township board, \$50.

TEACHERS' ASSOCIATIONS.

An Act to incorporate TEACHERS' ASSOCIATIONS.

[Act 117, 1855.]

Fifteen or
more teachers
may form
corporation.

Notice to be
published.

May hold
property.

Restrictions
upon its use.

Privileges and
liabilities of
corporations.

(229.) § 7730. SECTION 1. *The People of the State of Michigan enact*, Any fifteen or more teachers, or other persons residing in this state, who shall associate for the purpose of promoting education and science, and improvements in the theory and practice of teaching, may form themselves into a corporation, under such name as they may choose, providing they shall have published in some newspaper printed at Lansing or in the county in which such association is to be located, for at least one month previous, a notice of the time, place, and purpose of the meeting for such association, and shall file in the office of the secretary of state a copy of the constitution and by-laws of said association.

(230.) § 7731. SEC. 2. Such association may hold and possess real and personal property to the amount of five thousand dollars; but the funds or property thereof shall not be used for any other purpose than the legitimate business of the association in securing the objects of its corporation.

(231.) § 7732. SEC. 3. Upon becoming a corporation as hereinbefore provided, they shall have all the powers and privileges, and be subject to all the duties of a corporation, according to the provisions of chapter fifty-five of the revised statutes of this state [Chap. 130, compiled laws of 1871], so far as such provisions shall be applicable in such case and not inconsistent with the provisions of this act.

Chap. 55 referred to is Sections 8527-51, C. L. 1897.

STATE ACCOUNTS.

An Act to provide for the safe keeping of PUBLIC MONEYS.

[Act 131, 1875.]

"Public mon-
eys", defined.

(232.) § 1197. SECTION 1. *The People of the State of Michigan enact*, That all moneys which shall come into the hands of any officer of the state, or of any officer of any county or of any township, school district, highway district, city, or village, or of any other municipal or public corporation within this state, pursuant to any provision of law authorizing such officer to receive the same, shall be denominated public moneys within the meaning of this act.

See Fire and Water Commrs. v. Wilkinson, 119 / 659.
As to county treasurers, see Perley v. Muskegon Co., 32 / 132. See also Section 2539 and notes.

(233.) § 1198. SEC. 2. It shall be the duty of every officer charged with receiving, keeping or disbursing of public moneys to keep the same separate and apart from his own money, and he shall not commingle the same with his own money, nor with the money of any other person, firm, or corporation.

Public moneys to be kept separate from all other funds.

(234.) § 1199. SEC. 3. No such officer shall, under any pretext, use nor allow to be used, any such moneys for any purpose other than in accordance with the provisions of law; nor shall he use the same for his own private use, nor loan the same to any person, firm, or corporation, without legal authority so to do.

How used.

(235.) § 1200. SEC. 4. In all cases where public moneys are authorized to be deposited in any bank, or to be loaned to any individual, firm, or corporation, for interest, the interest accruing upon such public moneys shall belong to and constitute a general fund of the state, county, or other public or municipal corporation, as the case may be.

Interest on public moneys to constitute a general fund.

(236.) § 1201. SEC. 5. In no case shall any such officer, directly or indirectly, receive any pecuniary or valuable consideration as an inducement for the deposit of any public moneys with any particular bank, person, firm, or corporation.

Officers not to receive consideration for deposit of money.

(237.) § 1202. SEC. 6. The provisions of this act shall apply to all deputies of such officer or officers, and to all clerks, agents, and servants of such officer or officers.

Provisions of this act to apply to deputies, etc.

(238.) § 1203. SEC. 7. Any person guilty of a violation of any of the provisions of this act shall, on conviction thereof, be punished by a fine not exceeding one thousand dollars, or imprisonment in the county jail not exceeding six months, or both such fine and imprisonment in the discretion of the court: Provided, That nothing in this act contained shall prevent a prosecution under the general statute for embezzlement in cases where the facts warrant a prosecution under such general statute.

Penalty for violating provisions of this act.

Proviso.

(239.) § 1204. SEC. 8. Any officer who shall wilfully or corruptly draw or issue any warrant, order, or certificate for the payment of money in excess of the amount authorized by law, or for a purpose not authorized by law, shall be deemed guilty of a misdemeanor, and may be punished as provided in the preceding section.

Penalty for illegal payment of money.

REGULATIONS RELATIVE TO DOGS AND SHEEP.

(From this chapter we quote only the section relating to the apportionment of the surplus DOG TAX to school districts.)

[Act 48, 1901.]

(240.) SEC. 6. At the annual meeting of the township board in each year, and at a meeting of the common council of each city in April of each year, the said board or council, as the case may be, shall examine all certificates of damage filed by the clerk, as aforesaid, during the preceding

Payment of damages.

Apportion-
ment of sur-
plus.

Proviso.

year, and if satisfied that in any case or cases the certified damages are excessive, they may reduce the same to such amount as they may consider just, and may order the payment of all such loss as they may deem just, out of the fund aforesaid, if it be sufficient for that purpose, and if not sufficient they may order a proportionate payment of each claim. If money remains of such fund, after satisfactory payment of all claims aforesaid in any one year, over and above the sum of one hundred dollars, it shall be apportioned among the several school districts of such township or city in proportion to the number of children therein of school age: Provided, That no payment of loss shall be made as provided for in this section unless the party applying for the same shall make it appear to the satisfaction of the township board or common council that he has made all due efforts and has not been able to obtain satisfaction therefor, from the owner or owners of the dog or dogs which shall have done the damage.

EXPLANATORY NOTE BY SUPERINTENDENT OF PUBLIC INSTRUCTION: The apportionment must be based upon the whole number of children of school age residing in the township, and include all districts whether lying wholly or partly in such township. In case of a fractional district in which the school-house is situated in a different township, the money belonging to such district must be paid over to the treasurer of the township in which the school-house is situated, and by that treasurer paid to the district in the same way as in the case of the one-mill and other taxes.

STATE NORMAL SCHOOLS.

An Act to revise and consolidate the laws relative to the STATE BOARD OF EDUCATION.

[Act 194, 1889.]

To be a body
corporate.

To hold prop-
erty of normal
school, etc.

Proviso.

Further
proviso.

(241.) § 1812. SECTION 1. *The People of the State of Michigan enact*, That for the purpose of rendering more efficient their organization, and to enable them more fully to carry into effect the provisions of the constitution relative thereto, the state board of education shall be and they are constituted a body politic and corporate, and are hereby empowered to purchase, have, hold, possess and enjoy to themselves and their successors, all the lands, tenements, hereditaments, goods, chattels and effects of every kind now belonging to the state normal school or that may hereafter be acquired by the same; and the same to grant, alien, invest, sell and dispose of; to sue and [to] be sued, plead and be impleaded, in all the courts in this state; to have and use a seal, and the same to change, alter and renew at pleasure, and to make such by-laws and regulations as they may deem proper for the government and conduct of said [board] and for the transaction of its business: Provided, The same be not repugnant to the constitution or laws of this state or of the United States: Provided further, That said corporation shall be subject to the pro-

visions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far the same can apply, and are not inconsistent with the provisions of this act.

Chapter 55 of the revised statutes of 1846 contains the "general provisions relating to corporations" and will be found in Chapter 230, Sections 8527-51, compiled laws 1897. See acts 138 and 178 of 1849, establishing a state normal school.

(242.) § 1813. SEC. 2. Said board shall have power to transact all necessary business at any meeting, a quorum being present. Said board shall make and provide such by-laws and regulations for the conduct of its business as it shall deem proper. A quorum of said board shall consist of a majority of its members. All processes against said board of education shall be served on the president or secretary thereof.

Power of board.
Quorum.
Processes.

(243.) § 1814. SEC. 3. The state board of education shall continue the normal school at Ypsilanti in the county of Washtenaw, where it is now located. The purpose of the normal school shall be the instruction of persons in the art of teaching, and in all the various branches pertaining to the public schools of the state of Michigan: Provided, There shall be prescribed for said school a course of study intended specially to prepare students for the rural and the elementary [graded] schools of the state, which shall provide not less than twenty weeks of special professional instruction.

Of the normal school.
Proviso.

(244.) § 1815. SEC. 4. No member of said board of education shall, during his continuance in office, act as the agent of any publisher or publishers of school books or school library books, or be or become interested in the publication or sale of any such book or books as agent or otherwise.

Members not to act as agent for publishers, etc.

(245.) § 1816. SEC. 5. Said board shall provide all necessary courses of study to be pursued in the normal school and establish and maintain in connection therewith a fully equipped training school as a school of observation and practice, and shall grant upon the completion of either of said courses, such diploma as it may deem best, and such diploma when granted shall carry with it such honors as the extent of the course for which the diploma is given may warrant and said board of education may direct.

Course of study, training school, etc.

(246.) § 1817. SEC. 6. Upon the completion of the course specially prescribed as hereinbefore provided for the rural and elementary graded schools, said board of education shall upon the recommendation of the principal and a majority of the heads of the departments of said school, grant a certificate which shall be signed by said board and the principal of the normal school, which certificate shall contain a list of the studies included in said course, and which shall entitle the holder to teach in any of the schools of the state for which said course has been provided for a period of five years: Provided, That said certificate may be suspended or revoked by said state board of education upon cause shown by any county board of examination, or by any board of school officers.

Certificate to teach, when granted, term of, etc.
Proviso.

Life certificates, when granted, etc.

(247.) § 1818. SEC. 7. Upon the completion of either of the advanced courses of study prescribed by said state board, which shall require not less than four years for their completion, said board of education, upon the recommendation of the principal and a majority of the heads of departments of said school, shall issue a certificate to the person completing said course, which certificate shall be referred to in the diploma hereinbefore provided to be granted. Said certificate shall set forth a list of the studies of the course completed and, when given, shall operate as a life certificate, unless revoked by said state board of education.

May be revoked.

Admission of pupils.

(248.) § 1819. SEC. 8. The board of education shall make such regulations for the admission of pupils to said school as it shall deem necessary and proper: Provided, That the applicant shall, before admission, sign a declaration of intention to teach in the schools in this state.

Proviso.

To appoint visitors, report of, etc.

(249.) § 1820. SEC. 9. Said board of education shall appoint each year three visitors whose duty it shall be to examine thoroughly into the affairs of the normal school and report their views with regard to its condition and any other matters they may judge expedient, to the said board of education, which report shall be incorporated in the report of the superintendent of public instruction and in the report of said board of education to be made to the legislature as hereinafter provided. Said visitors shall receive two dollars per day for time actually spent in visitation and also their actual traveling expenses, to be paid out of the funds of said board: Provided, That not more than two visits shall be made by any board of visitors.

Proviso.

Report of board, contents of, etc.

(250.) § 1821. SEC. 10. Said board of education shall make to the legislature, at every regular session thereof, a report setting forth:

First, The work done by the school since the last report;

Second, The [need] needs and requirements of the school;

Third, A report of the principal of the school, concerning such matters pertaining to the school as have been under his immediate direction and control and such recommendations as he may deem desirable to make to the board; and

Fourth, A financial statement, showing in detail the moneys received and expended, with an itemized statement of receipts and expenditures, as near as may be.

Treasurer.

(251.) § 1822. SEC. 11. The board shall elect a treasurer, who shall furnish bonds, with two sureties, in the penal sum of not less than twenty thousand dollars, conditioned for the faithful discharge of his duties. Such treasurer shall receive such compensation as to the board may seem just.

Lands appropriated, disposition of, etc.

(252.) § 1823. SEC. 12. The ten sections of salt spring lands located by the board of education under the provisions of sections fifteen and sixteen of "an act to establish a state normal school," approved March twenty-eight, eighteen hundred and forty-nine, together with the fifteen sections of said

salt spring lands located under the provisions of section sixteen of said act, and all such lands as may be granted by congress or received or set apart in any manner in lieu of any portion of said land, to which the title may prove insufficient, and all donations, in land or otherwise, to the state in trust or to the board of education for the support of a normal school, shall constitute a fund to be called the normal school endowment fund, and shall be reserved from sale until the same shall be appraised. The minimum price of said lands shall be four dollars per acre, and it shall be the duty of the officer authorized to sell said lands, to cause the same to be appraised as soon as practicable, in the manner provided for the appraisal of other lands; none of said lands shall be sold for less than the minimum price fixed by law. It shall not be necessary to appraise any of said lands which have heretofore been appraised under existing provisions of law; and the proceeds of sales of any of said lands heretofore appraised and sold shall constitute a part of the fund herein provided. After such appraisal, such land shall be and remain subject to sale at the state land office as is now, or shall be hereafter, provided by law, and the principal shall be and remain a perpetual fund for the use of said institution, except as herein provided. The installments of principal paid by the purchasers shall be paid into the state treasury, and the interest thereon from the time of its receipt, or from the time of the preceding computation of interest as the same may be, shall be computed by the auditor general and the state treasurer at the close of each fiscal year, at the rate of six per cent per annum, and together with all interest paid by purchasers of said lands, shall be passed to the credit of the normal school interest fund.

Minimum
price, appraisal,
etc.

(253.) § 1824. SEC. 13. The normal school interest fund, and any moneys which may be from time to time appropriated for the purposes of the said normal school, shall be under the direction and control of said state board of education, subject to the provisions herein contained, and shall be paid to the treasurer of said board from time to time by the state treasurer on the warrant of the auditor general drawn upon the certificate of the president and secretary of said board of education that said money is needed. No such warrant shall be given except on accounts audited and allowed by said board, covering as [nearly] near as may be the amounts previously furnished: Provided, That said board, for the months of January, February and March, in the years in which the regular sessions of the legislature are held, shall draw money for current expenses as provided in section four hundred and nineteen of Howell's annotated statutes.

Board to have
control of
funds, etc.

Proviso.

(254.) § 1825. SEC. 14. The members of the state board of education shall receive three dollars per day for their actual services, and also their necessary traveling and other expenses, to be paid by the state treasurer out of the general funds in

Compensation
of board.

the manner already provided by law for the payment of the accounts of boards of state institutions.

Meetings of state board of education to examine teachers and grant certificates.

(255.) § 1826. SEC. 15. Said board shall hold at least two meetings each year, at which they shall examine teachers, and shall grant certificates to such as have taught in the schools of the state at least two years and who shall, upon a thorough and critical examination in every study required for such certificate, be found to possess eminent scholarship, ability, and good moral character. Such certificate shall be signed by the members of said board, and be impressed with its seal and shall entitle the holder to teach in any of the public schools of this state without further examination, and shall be valid for life unless revoked by said board. No certificate shall be granted except upon the examination herein prescribed: Provided, That the said state board of education may, in its discretion endorse state teachers' certificates or normal school diplomas granted in other states, if it be shown to the satisfaction of such board that the examinations required or courses of study pursued are fully equal to the requirements of this state.

Proviso.

Am. 1895, Act 73.

Certain text-books, etc., duty of board relating thereto.

(256.) § 1827. SEC. 16. The said board shall examine all text-books in physiology and hygiene offered for use in the public schools of this state, and approve those only which comply with the law relative to the space required to be devoted to the consideration of the nature and effects of alcoholic drinks and narcotics, as provided in act one hundred and sixty-four of the public acts of eighteen hundred and eighty-seven. It shall also be the duty of said board to distribute to the various educational institutions of the state such specimens of copper, iron and other ores and rocks prescribed for such distribution under the provisions of section three of act nine of the public acts of eighteen hundred and seventy-seven, being compiler's section eight hundred and forty-one of Howell's annotated statutes.

The act of 1887 referred to is act 165 instead of 164. It amends Sec. 15, Ch. 3, of the general laws of 1881 relative to public instruction and will be found in Section 4680. See Comp. Section 58.

Disposition of insurance moneys, etc.

(257.) § 1828. SEC. 17. All insurance moneys or means collected, received or made available at any time, from policies of insurance, or by reason of insurance policies upon the said normal school buildings and property shall be and the same are hereby designated and set apart as a fund or means for rebuilding and refurnishing the said buildings.

Certificate filed with county commissioner.

(258.) § 1828a. SEC. 18. Any person holding a certificate issued or approved by the authority of the state board of education, desiring to teach in any school under the jurisdiction of a county commissioner of schools shall file the said certifi-

cate, or a copy of the same, in the office of the commissioner of schools in the county in which he or she desires to teach.

Added 1901, Act 155.

An Act to establish a NORMAL SCHOOL IN CENTRAL MICHIGAN.

[Act 261, 1895.]

(259.) § 1829. SECTION 1. *The People of the State of Michigan enact*, That a normal school for the preparation and training of persons for teaching in the rural district schools, and the primary departments of the graded schools of the state, to be known as "central Michigan normal school," be established and continued at the city of Mount Pleasant, in Isabella county, to be located upon block ten of the normal school addition to said city, known as "normal campus," and being a block of land in area between eight and ten acres.

Central Michigan normal school established.

(260.) § 1830. SEC. 2. The state board of education is hereby authorized and directed to procure a good and sufficient deed of conveyance, to be accompanied with abstract of title and tax history, to be approved by the attorney general, conveying to the said board of education and its successors a good and unincumbered title in fee simple to said lands and buildings thereon, for such school, and a proper article of sale of all the library, school furniture and apparatus therein, said lands and buildings and personal property to be donated to the state of Michigan, in consideration of the establishment of said school, and to be conveyed within thirty days after the passage of this act.

State board of education to procure deed of conveyance, etc.

(261.) § 1831. SEC. 3. Said school shall be under and subject to the control of the state board of education, according to the provisions of act No. 194 of the public acts of 1889, of Michigan, entitled "an act to revise and consolidate the laws relative to the state board of education, and amendments thereto," which is made applicable to this school, except as herein otherwise provided.

School to be under control of state board of education.

The act referred to immediately precedes this. See Comp. Sections 241-58.

An Act to fix the RELATIONS OF THE EXISTING NORMAL SCHOOLS of the State.

[Act 175, 1897.]

(262.) § 1832. SECTION 1. *The People of the State of Michigan enact*, That the state board of education shall maintain substantial uniformity and reciprocity in the courses of study of the central Michigan normal school and with any related courses which may be offered at the state normal school at Ypsilanti; so that transfer of students from one school to another shall not lead to the loss of standing for similar courses; and shall, upon the completion of the course by any

Uniformity and reciprocity in studies to be maintained in normal schools.

What certificate to be granted teachers.

student in the central Michigan normal school, and upon recommendation of the principal and a majority of the faculty thereof, grant the following certificate only, which shall be signed by said board and faculty, or such members thereof as the board may direct; which certificates shall contain a list of studies included in said courses, and which shall entitle the holder to teach in any of the schools of the state for which said courses have been provided, as follows:

Certificate to entitle holder to what.

Certificates for two years to issue, when.

First, Upon the completion of a course of study containing the branches of instruction required by law for a third grade county certificate, and such work in science and art of teaching as said board of education may require, the board shall issue a certificate, valid for two years, authorizing the holder to teach in any district school of this state employing not more than one teacher: Provided, That said two years' certificates may be once renewed for a like period upon satisfactory evidence to the granting power of successful experience in teaching.

Renewal.

Certificates for three years to issue, when.

Second, Upon the completion of a course of instruction containing the branches of instruction required for a first grade county certificate, and such additional work in the science and art of teaching as said board of education may require, said board shall grant a certificate, valid throughout the state for a period of three years: Provided, That said three [year] years' certificate may be once renewed for a like period, upon satisfactory evidence to the granting power, of successful experience in teaching.

Renewal.

State board of education to continue the grant of certain certificates.

(263.) § 1833. SEC. 2. The state board of education may, through the state normal school at Ypsilanti, grant similar certificates for elementary graded and rural schools as in their judgment shall seem wise, and shall through the same institution continue to grant certificates good for five years, life certificates, diplomas and degrees, as are now provided by statute and custom; and in recognition of the work now being done under existing laws, in those life certificates and degree courses in the state normal school at Ypsilanti, the state board of education is empowered to designate that school in the courses leading to such certificate and degree by the name, the Michigan state normal college.

State normal school designated as state normal college when.

Sec. 3 repeals "all acts or parts of acts conflicting with the provisions of this."

LAWS ENACTED BY LEGISLATURE OF 1899.

An Act to change the name of the "Michigan State Normal School" to "MICHIGAN STATE NORMAL COLLEGE."

[Act 52, 1899.]

(264.) SECTION 1. *The People of the State of Michigan enact,* Change of name of normal school at Ypsilanti.
The institution now known and designated under the name and style of "Michigan state normal school" shall hereafter be known as the "Michigan state normal college."

SEC. 2. Repealing clause.

An Act to provide for the location, establishment and conduct of a NORMAL SCHOOL AT MARQUETTE, in the upper peninsula of this State, and to make an appropriation for the same.

[Act 51, 1899.]

(265.) SECTION 1. *The People of the State of Michigan enact,* Name of school.
That a normal school shall be located at Marquette, to be known as the northern state normal school, for the purpose of Purpose. instructing persons in the several branches pertaining to a public school education, and in the science and the art of teaching the same.

(266.) SEC. 2. The state board of education is hereby authorized to procure a suitable site for the grounds and buildings for said normal school, which site shall consist of at least twenty acres of land, located within one and one-half miles of the present location of the postoffice in said city of Marquette. Said state board of education shall pay for such site a sum not exceeding one dollar, which sum is hereby appropriated for the use of said state board of education out of any moneys in the treasury not otherwise appropriated, to be drawn on the requisition of said state board of education and the warrant of the auditor general, as the moneys and appropriations are drawn. Said state board of education shall procure good and sufficient deed or conveyance of such site and grounds, and have the title of the same duly recorded. When so recorded, the said deed of conveyance, with an abstract of title showing a clear and unincumbered title, and all papers Selection of site. Area and location. Deed or conveyance.

relating thereto shall be deposited in the office of the auditor general.

Appropriation
for building.

(267.) SEC. 3. The sum of twenty-five thousand dollars is hereby appropriated for the erection of a suitable building for the use of said state board of education in the establishment of a normal school under the provisions of this act, which building shall be erected in accordance with the suggestions and requirements of the state board of corrections and charities, and shall be ready for occupancy October one, eighteen hundred ninety-nine.

Appropriation
for salaries for
1889-1900.

(268.) SEC. 4. The sum of ten thousand dollars is hereby appropriated for the payment of the salaries and conduct of said normal school for the year eighteen hundred ninety-nine and nineteen hundred, namely: Two thousand five hundred dollars for the year eighteen hundred and ninety-nine, and seven thousand five hundred dollars for the year nineteen hundred, which amounts, together with amount specified in section three of this act, shall be expended under the direction of the state board of education and be drawn on their order from the general fund: Provided, That this appropriation shall not be available unless five thousand dollars of the amount volunteered as a gift from the citizens of Marquette toward the site and beautifying the grounds be donated for the equipment of the school.

Proviso.

For reimburse-
ment.

(269.) SEC. 5. The auditor general shall add to and incorporate with the state tax for the year eighteen hundred and ninety-nine the sum of twenty-seven thousand five hundred dollars, and for the year nineteen hundred the sum of seven thousand five hundred dollars, to be assessed, levied and collected as other state taxes are assessed, levied and collected, which sum, when collected, shall be placed to the credit of the general fund to reimburse it for the sum appropriated by sections three and four of this act.

Control of
school.

(270.) SEC. 6. The said northern state normal school shall be under and subject to the control of the state board of education, according to the provisions of act number one hundred ninety-four of the public acts of eighteen hundred and eighty-nine, entitled "an act to revise and consolidate the laws relative to the state board of education, and amendments thereto, also according to the provisions of act number one hundred and seventy-five of the public acts of eighteen hundred and ninety-seven, entitled "an act to fix the relation of the existing normal schools of the state," which laws are made applicable to the school, except as herein otherwise provided.

An Act to provide for the incorporation of associations for the purpose of establishing LOAN-FUNDS for the benefit of school scholars and students of this State, to assist them to attend the University of Michigan, the State Normal College at Ypsilanti, the Central Michigan Normal School at Mt. Pleasant, the Michigan State Agricultural College at Lansing, the College of Mines at Houghton, or the Manual Training Schools of this State.

[Act 250, 1899.]

(271.) SECTION 1. *The People of the State of Michigan enact,* Number that may incorporate.
Any five or more persons of full age residing in the state of Michigan may associate and incorporate themselves together for the purpose of establishing loan-funds for the benefit of school scholars and students of this state, to assist them to attend the university of Michigan, the state normal college at Ypsilanti, the central Michigan normal school at Mt. Pleasant, the Michigan state agricultural college at Lansing, the Michigan college of mines, or the manual training schools of this state.

(272.) SEC. 2. Articles of association shall be executed in duplicate, by the persons so associating themselves together in the first instance, and shall be acknowledged by them before some person authorized by the laws of this state to take acknowledgments of deeds, one of which duplicates shall be filed and recorded in the office of the secretary of state, and a record shall be made of such articles, and a certified copy thereof filed in the clerk's office in the county where such society is formed. Thereupon the persons so executing said articles, and such other persons as may thereafter, according to the provisions of such articles, become associated with them shall become and be a body politic and corporate, capable of being sued, for the purpose set forth in such articles. Manner of incorporation.

(273.) SEC. 3. The articles of association shall contain: Articles of association.
First, The names and places of residence of the persons associated in the first instance;

Second, The name or title by which such association shall be known in law, and the period for which it is incorporated, not exceeding thirty years;

Third, The objects for which it was organized;

Fourth, The number of its trustees or managers to manage the same, and the names of such trustees or managers for the first year of its existence.

(274.) SEC. 4. The affairs of such corporation shall be under the general management of not less than five nor more than fifteen trustees, to be chosen by the members thereof, and to hold office for such time, not exceeding five years, as shall be provided by the articles of association; and the articles of association may provide for a classification of the trustees so that the terms of office of the several classes shall expire at different times, and for a classification of the members in accordance with their subscriptions to the objects for which the corporation was organized. The regular officers of such corporation shall form a part of such trustees. The officers General management. Classification of trustees.

By-laws.	may be chosen by the trustees or the members of the corporation, as the articles shall prescribe. The by-laws shall be adopted by the trustees, who may change them at pleasure.
Amendments.	The majority of the trustees shall be a quorum to transact business. The articles of association of any such corporation may be amended at any time by a two-thirds vote of the trustees. Before any such amendment shall take effect, a copy of the resolution, certified by the secretary, shall be filed in the office of the secretary of state, and in the clerk's office of the county in which the original articles are filed.
Funds of corporation.	(275.) SEC. 5. All the funds received by any corporation organized under this act shall be used after paying necessary expenses, for the exclusive purpose or purposes set forth in the articles of association. And no portion of the funds of such corporation shall be used or contributed toward the erection, completion or furnishing of any building not owned or used by such corporation for the purpose or purposes set forth in its articles of association. Such corporation shall in equity and law be capable of taking and receiving real and personal estate, either by purchase, gift, grant, lease, or bargain and sale, devise and bequest, not exceeding twenty-five thousand dollars, in the aggregate, for the purpose of its incorporation, but for no other purpose, and it shall have power to invest the same at pleasure, and to grant, bargain, mortgage, sell or lease the same for the use of said association; and it shall be lawful to invest the same upon mortgage, or in or by loans on notes or bonds, or municipal, county, state or United States securities; or deposit the same in any reliable bank on interest; but no loans shall be made to any trustee or officer of such corporation: Provided, That any such corporation may, in its articles of association, specify the kinds of securities in which its funds shall be invested, and that no part of its funds shall be invested in any securities other than those named in its articles, or when the securities shall not be specified in the articles of association, then such funds shall only be invested in such securities as are specified in this act. Such corporation shall have the power to make all needful rules and regulations and by-laws for the management of its affairs, not inconsistent with the constitution and laws of this state or of the United States.
May receive real and personal estate.	
May specify kinds of securities.	
Election of officers.	(276.) SEC. 6. In case it shall at any time happen that an election of officers, directors or trustees shall not be made on the day designated by the articles of association and by-laws, said corporation for that cause shall not be dissolved, but it shall and may be lawful on any other day to hold an election of officers, directors or trustees, in such manner as may be directed by the articles of association and by-laws of said corporation.
Articles may be used in court.	(277.) SEC. 7. The articles of association filed as required by this act, or a copy thereof certified by the officer with whom they are so filed, may be given in evidence in any court

of this state for or against said corporation. Said corporation shall possess the general power conferred by and subject to the provisions and restrictions of chapter two hundred thirty of the compiled laws of the state of Michigan of eighteen hundred ninety-seven, so far as the same may be applicable to corporations formed under this act.

General power
of corporation.

An Act to create a STATE BOARD OF LIBRARY COMMISSIONERS to promote the establishment and efficiency of free public libraries, and to provide an appropriation therefor.

[Act 115, 1899.]

(278.) SECTION 1. *The People of the State of Michigan enact,* The governor, with the advice and consent of the senate, shall appoint four persons, residents of this state, who, together with the state librarian, who shall be a member ex officio, shall constitute a board of library commissioners. Two members of said board shall be appointed for a term of four years and two for a term of two years, and thereafter the term of office shall be four years. All vacancies occurring in the appointive membership of said board, whether by expiration of term of office or otherwise, shall be filled by the governor, with the advice and consent of the senate.

Personnel of
commission.

Filling of
vacancies.

(279.) SEC. 2. It shall be the duty of the library commission to give advice and counsel to all free libraries in the state, and to all communities which may propose to establish them, as to the best means of establishing and administering such libraries, the selection of books, cataloguing, and all other details of library management. In January of each year the board shall make a report to the governor of its doings, of which report one thousand copies shall be printed by the state printer for the use of the board.

Duties of
commission.

(280.) SEC. 3. It shall be the duty of all free libraries organized under the laws of the state, whether general or special, to make an annual report to the board of library commissioners, which report shall conform as near as may be reasonable and convenient, as to time and form such rules as the board may prescribe.

Reports to
commission.

(281.) SEC. 4. No member of the board of library commissioners shall receive any compensation for his services, except that the board may appoint one of their number to act as secretary, and such secretary may receive such sum as shall be agreed upon by the board, not exceeding three hundred dollars annually, for clerical services. The board shall be entitled to expend a sum not to exceed five hundred dollars in any one year for supplies and incidentals and for the actual and necessary expenses of its members in the discharge of their duties. The accounts of the board shall be audited by the state board of auditors, and paid out of the general fund.

Salary of
secretary.

Expenses of
commission.

Provision for fund.

(282.) SEC. 5. The auditor general shall add to and incorporate with the state tax for the year eighteen hundred and ninety-nine, and every year thereafter, the sum of eight hundred dollars, to be assessed, levied and collected as other state taxes are assessed, levied and collected, which sum when collected shall be placed to the credit of the general fund to reimburse it for the sums authorized to be expended under this act.

An Act authorizing school district boards, boards of trustees of graded schools and boards of education in cities to establish and maintain DAY SCHOOLS FOR THE DEAF, and authorizing payment therefor from the general fund.

[Act 176, 1899.]

Manner of establishment.

(283.) SECTION 1. *The People of the State of Michigan enact,* That upon application by a school district board, board of trustees of a graded school, or board of education of any city, of this state, to the superintendent of public instruction, he shall grant permission to such board to establish and maintain, and such board shall thereupon be empowered to maintain within the limits of its jurisdiction one or more day schools, having an average attendance of not less than three pupils, for the instruction of deaf persons over the age of three years, whose parents, or guardians in the case of orphans, are residents of the state of Michigan.

Report to superintendent of public instruction.

(284.) SEC. 2. Any board which shall maintain one or more day schools for the instruction of the deaf shall report to the superintendent of public instruction annually, and at such other times as he may direct, such facts concerning the school or schools as he may require.

Payment of fund by state treasurer.

(285.) SEC. 3. The state treasurer is hereby authorized and directed to apportion and pay out of the "general fund" annually to the treasurer of any board maintaining a school or schools, which shall be established in accordance with this act, the sum of one hundred and fifty dollars for each deaf pupil instructed in any such school for nine months during the school year, and a part of such sum proportionate to the time of instruction of any such pupil so instructed less than nine months during each year.

Handling of fund.

(286.) SEC. 4. The money received from the state treasurer, as provided in section three of this act, shall be kept separate and distinct from all other funds by the treasurer of the board receiving it, and shall be known as "the fund for the support of schools for the deaf," and shall be paid out for no other purpose than for the payment of salaries of teachers of schools for the deaf, as herein provided, and for school appliances, and all sums not expended under this act shall be returned to the state treasurer and credited to the primary school interest fund.

Name of fund.

(287.) SEC. 5. All teachers in such schools shall be appointed and employed as other public school teachers are appointed and employed. All persons appointed to teach in any such school shall have had special training for teaching, and shall also have had special training in the teaching of the deaf, including at least one year's experience as a teacher in a school for the deaf. The so-called "oral" system shall be taught by such teachers, and if after a fair trial of nine months, any of such children shall for any reason be unable to learn such oral method, then no further expense shall be incurred in the effort to teach such child so unable to learn such oral method in such primary schools.

Regarding teachers.

System taught.

(288.) SEC. 6. For the purpose of this act, any person of sound mind, who, by reason of defective hearing, cannot profitably be educated in the public schools, as other children are, shall be considered deaf.

Persons coming under this provision.

An Act to provide for the publication and distribution of laws and documents, reports of the several officers, boards of officers and public institutions of this State now or hereafter to be published, and to provide for the replacing of books lost by fire or otherwise, and to provide for the publication and distribution of the official directory and legislative manual of the State of Michigan, etc.

(From this act only such portions are quoted as relate directly to the public school system.)

[Act 44, 1899.]

(289.) SEC. 11. There shall be printed of the annual report of the superintendent of public instruction a sufficient number to supply all school libraries in the state with one copy each, which copy shall be bound in the same style as provided by this act for binding state publications for library distribution; also one copy each to the following persons or institutions: To each superintendent of public instruction, state university, college of mines and state normal school in the United States, each living ex-superintendent and deputy superintendent of public instruction in this state, each member of county boards of examiners, each city superintendent of schools; two hundred copies for deposit with the secretary of state for future distribution, and such number of additional copies as the superintendent of public instruction may, in his discretion, deem necessary, not exceeding three hundred copies. Said report shall not exceed three hundred pages, including context and index, such pages to be the size of the pages of the report of the superintendent of public instruction for the year eighteen hundred ninety-five, and such report shall be distributed by the superintendent of public instruction. Not to exceed the sum of fifty dollars for any one report shall be expended for cuts or illustrations for said report: Provided, That said fifty dollars shall cover the cost for special

Annual report of superintendent of public instruction.

To whom distributed.

Number of pages.

paper, if necessary for such cuts, and also the cost of making such cuts: Provided further, That the state superintendent of public instruction may prepare and have published for the district schools, a state course of study; for the teachers' institutes, institute outlines; and, from time to time, such educational bulletins as he may deem necessary for the advancement of the cause of education in Michigan.

Am. 1901, Act 21.

Distribution of legislative manual. (290.) SEC. 30. This section provides for the distribution of the legislative manual (red book), and the list includes one copy for each of the following: Each district, graded, and city school; each library other than school library; each township, village, and city clerk, and the county commissioner of schools.

Duty of county commissioners. (291.) SEC. 32. It shall be the duty of the county commissioners of schools to distribute all copies of the "official directory and legislative manual" to the schools in their respective counties, as provided in section thirty of this act; and also to see that the same are kept for the use of said schools, and it shall be the duty of the secretary of state to direct and oversee the prompt distribution of the laws, journals, documents and reports mentioned in this act, whose distribution is not otherwise provided for; and said laws, journals, documents, and reports shall be shipped to the several county clerks and county commissioners of schools in the state and be distributed by them to the persons, officers, corporations and societies within their respective counties entitled to the same, and that, until so distributed, they shall be carefully preserved by said county clerks and county commissioners of schools. That the accounts for boxes furnished to the secretary of state for package and distribution shall be audited and allowed by the board of state auditors and paid out of the state treasury, and the expense of transportation from the office of the secretary of state to the county clerks and county commissioners of schools, and of distribution by them to the persons entitled to the same, shall be audited and allowed by the boards of supervisors and paid out of the county treasuries.

Expense of distribution.

Receipt to secretary of state. (292.) SEC. 33. It shall be the duty of the several county clerks and county commissioners of schools, upon receiving any of the books mentioned in this act, to receipt to the secretary of state for the same, which receipt shall be filed and preserved in the office of the secretary of state; and it shall also be the duty of the said county clerks and county commissioners of schools to distribute said books as provided in this act, and to report at the expiration of a month after each reception of books to the secretary of state, on blanks furnished by him, by giving a full statement of all of said books remaining in his office, together with the names of the officers neglecting

to call for the books to which they are entitled; and it shall be the duty of all persons, officers, corporations and societies, upon receiving any of the books mentioned in this act, to receipt respectively to the county clerk and county commissioner of schools for the same, which receipt shall be filed and preserved in the office of the county clerk and county commissioner of schools respectively. It shall also be the duty of the secretary of state to notify each person to whom any books are sent, except township officers, either directly or in care of the county clerk, which are required by this act to be kept in any library or passed over to any successor in office, and that each person receiving such notice shall, within a reasonable time, apply to the county clerk for the books mentioned in this notice, if such books were sent to the county clerk, and obtain the same; and if such books have been received by the county clerk and are not called for as aforesaid, such person thus notified shall be held responsible in the same manner and to the like extent as in the case of his neglect or refusal to deliver over to his successor books received by him, except that books sent for the use of township officers may be sent to either the township clerk or county clerk, when the secretary of state shall notify the township clerk, who shall draw all of the books for the officers of his township and distribute the same.

Notification
by secretary
of state.

(293.) SEC. 34. Provides that each city, village, township, and county officer shall, when he ceases to hold such office, deliver over to his successor in office all such books received by him which are required by this act to be placed in his library.

LAWS ENACTED BY LEGISLATURE OF 1901.

An Act to provide for the establishment and maintenance of rural high schools.

[Act 144, 1901.]

Petition of taxpayers.	(294.) SECTION 1. <i>The People of the State of Michigan enact,</i> The township board of any township, not having within its limits an incorporated village or city, upon the petition of not less than one-third of the taxpayers of such township for the establishment of a rural high school, shall submit such question to a vote of the qualified electors of said township at a special election called for that purpose within sixty days from date of receipt of said petition.
Submit vote at special election.	
Elections held at usual place.	(295.) SEC. 2. All elections ordered by any township board in pursuance of section one of this act shall be held at the usual place or places of holding township elections, and notice shall be given and the elections conducted in all respects as provided by law for the election of township officers and the ballots shall have printed thereon, "for rural high school—yes." "For rural high school—no."
Notice given.	
Election, how conducted.	
Board of trustees.	(296.) SEC. 3. If more votes are cast in favor of such high school than against it at such election, the qualified electors of said township shall elect at their next annual election of township officers a board of trustees of three members, one for one year, one for two years and one for three years, and on the expiration of their terms of office and regularly thereafter their several successors shall be elected in like manner for a term of three years each. The township clerk shall be ex officio member and the clerk of the board, and the township treasurer shall be ex officio member and treasurer of the board with the same power as other members of the board.
Ex officio members.	
Regular meetings.	(297.) SEC. 4. Said board of trustees shall meet on the third Monday in April of each year and organize by electing one of the trustees as president. Regular meetings of the board shall be held on the second Mondays of May, August, November, and February in each year. Special meetings may be called upon five days' notice by the president or secretary.
Special meetings.	
Powers of board.	The board shall have power (a) To supervise and visit the school;

(b) To admit all children of the township above the eighth grade and to admit and provide rates of tuition for non-resident pupils if they so elect;

(c) To select and adopt text-books;

(d) To appoint legally qualified teachers;

(e) To fix wages, make general rules and regulations for the control of the school, suspend or expel pupils, fix the time of school which will not be more than ten months nor less than seven in any one year;

(f) To rent or to purchase and hold real estate for such township high school, build and furnish school houses, determine location of grounds and building, which shall be as near the center of the township as practicable, according to sanitary conditions, and to receive and hold bequests and gifts for the benefit of the school, and to dispose of property belonging to the district subject to the provisions hereinafter named;

(g) To provide a course of study which shall be approved by the superintendent of public instruction and the president of the Michigan agricultural college, and shall not consist of more than four years' work. Said course of study may include instruction in manual training, domestic science, nature study and the elements of agriculture;

(h) To estimate and vote the amount of tax necessary to support the school at a meeting previous to October first in each year and report the same to the supervisor, which amount shall be spread upon the tax roll the same as other district taxes, and in their discretion borrow money for current expenses which amount shall not exceed fifty per cent of the amount of tax voted;

(i) To publish annually in one newspaper of the township or county a statement of the proceedings of the board meetings and an itemized account of all receipts and expenses, and file a copy of the same in the office of the county school commissioner and state superintendent of public instruction within sixty days of the date of publication of the same.

(298.) SEC. 5. The secretary of the board shall receive not to exceed fifty dollars per annum for his services. It shall be his duty to keep the records, provide supplies, visit the school and make annual reports to the school board, the county school commissioner and the state superintendent of public instruction, in such form as the superintendent of public instruction shall direct.

Salary of
secretary.

Duty of
secretary.

(299.) SEC. 6. All orders on the treasurer for moneys shall be ordered by the board and signed by the secretary and president.

Orders for
moneys.

(300.) SEC. 7. A majority of the tax payers of the township shall determine the amount to be expended in the grounds and building of said school and may bond the township for such amount: Provided, That the amount of said bonds shall

Limit of bond.

not exceed five thousand dollars, and that the period of such bonds shall not continue beyond ten years.

Under supervision of commissioner.

(301.) SEC. 8. The high schools established under the provisions of this act shall be under the supervision of the county commissioner of schools, and all questions of management, support and control arising under the provisions of this act and not expressly provided for therein shall be subject to the provisions of the general school laws of this state.

Subject to provisions of general school laws.

SEC. 9. Repealing clause.

An Act to define the legal qualifications of kindergarten, music, and drawing teachers in the State.

[Act 166, 1901.]

Qualifications of kindergarten teacher.

(302.) SECTION 1. *The People of the State of Michigan enact,* Any person who is a graduate of any kindergarten training school, endorsed by the superintendent of public instruction of this state, and who holds also a teacher's certificate or a diploma from a reputable college of the state, or a high school having a four years' high school course, shall be considered a legally qualified kindergarten teacher; and any district board shall be authorized to pay such teacher for kindergarten instruction from the same fund, and in the same manner, as other teachers are now paid.

Qualifications of music teacher.

(303.) SEC. 2. Any person who has finished a course of at least two years in music in the university of the state of Michigan, or in any of the state normal schools, or in any college incorporated under the general laws of the state, and any person who has finished a course of at least one year in drawing in any of the aforesaid institutions, or in any other institution, whose course of study is acceptable to the superintendent of public instruction, and holds in either case a statement from the proper authorities of the institution certifying to that fact, shall be considered a legally qualified teacher in music or in drawing; and any district board, or board of education, shall be authorized to pay such teacher for instruction in music or in drawing from the same fund, and in the same manner, as other teachers are now paid: Provided, That in cities organized under special law or charter, and maintaining kindergarten training schools, having a three years' course, shall be exempt from the provisions of this act.

Qualifications of drawing teacher.

What cities exempt.

(304.) SEC. 3. All acts and parts of acts contravening the provisions of this act are hereby repealed.

An Act to require county commissioners of schools to transmit lists of public libraries and the librarians thereof.

[Act 199, 1901.]

(305.) SECTION 1. *The People of the State of Michigan enact,* ^{Commissioner to report all libraries.} Hereafter it shall be the duty of the county commissioner of schools, in each county of this state, in the month of June in each year, to transmit to the secretary of the state board of library commissioners, at Lansing, a complete list of all libraries other than personal libraries within his county, whether township, school district, village or city, together with the names and postoffice addresses of the librarians thereof.

APPENDIX.

FORMS FOR PROCEEDINGS UNDER THE SCHOOL LAWS.

(306.)

FORM No. 1.

Notice by the Clerk of the Board of Inspectors to a taxable Inhabitant of a District of the Time of its Formation.

[See Comp. Secs. No. 25, 26.]

To A.....B.....:

SIR—The board of school inspectors of the township of.....have formed a school district in said township, to be known as district No..... and bounded as follows: [Here insert the description.]

The first meeting of said district will be held at.....on the.....day of19....at.....o'clock....M., and you are instructed to notify every legal voter of said district of the same, at least five days previous to said meeting, either personally or by leaving a written notice at his place of residence. You will indorse on this notice a return, showing each notification, with the date or dates thereof, and deliver the same to the chairman of said meeting.

Dated this.....day of,.....19....

(Signed.)

C..... D.....,
Clerk of the Board of School Inspectors.

(307.)

FORM No. 2.

Notice of First Meeting—when made in writing to be left at the house of every legal voter.

[See Comp. Secs. No. 25, 26, 40.]

To C.....D.....:

SIR—School district No.....of the township of.....having been formed by the board of school inspectors, you, as a legal voter in said district, are hereby notified that the first meeting thereof will be held at....., on the.... day of,....., 19...., at.....o'clock....M.

Dated this.....day of,.....19....

A.....B.....,
[The person appointed to give notice.]

(308.)

FORM No. 3.

Endorsement upon the notice (Form No. 1) by Taxable Inhabitant.

[See Comp. Secs. No. 25, 26, 40.]

I, A.....B....., hereby returned the within (or annexed) notice, having notified the qualified voters of the district, as follows:

NAMES.	DATE.	HOW NOTIFIED.
A B.....	January 1, 1902.....	Personally.
C D.....	January 1, 1902.....	Written notice.
E F.....	January 2, 1902.....	Personally.
.....
.....

Dated this.....day of.....19....
(Signed.)

A.....B.....

(309.)

FORM No. 4.

Notice by Township Clerk to Director, of Alteration in District.

[See Comp. Sec. No. 34.]

To the Director of School District No....., Township of.....:

SIR—At a meeting of the board of school inspectors of the township of..... held....., 19...., the boundaries of school district No....., township of....., were altered in such manner that the territory of said district now includes the following: [Here insert the description.]

Dated this.....day of.....19....

(Signed.)

C.....D.....,
Clerk of the Board of School Inspectors.

(310.)

FORM No. 5.

Acceptance of office by District Officers, to be filed with the Director.

[See Comp. Secs. No. 48, 125, 143, 193.]

I do hereby accept the office of.....in school district No..... of the township of.....

Dated this.....day of.....19....

(Signed.)

A.....B.....

(311.)

FORM No. 6.

Assessor's Bond.

[See Comp. Secs. No. 69, 194.]

KNOW ALL MEN BY THESE PRESENTS: That we, A..... B....., assessor of school district No....., township of..... county of..... and State of Michigan, C..... D..... and E..... F..... [his sureties], are held firmly bound unto said district in the sum of..... [here insert double the amount expected to come into the assessor's hands] to be paid to the said district; for the payment of which sum well and truly to be paid we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents.

The condition of the above obligation is such that, if the said..... assessor as aforesaid, shall faithfully discharge the duties of his office as assessor of said school district, and shall well and truly pay over to the person or persons, entitled thereto, upon the proper order therefor, all sums of money which shall come into his hands as assessor of said district, and shall, at the expiration of his term of office, pay over to his successor in office all moneys remaining in his hands as assessor aforesaid, and shall deliver to his successor all books and papers appertaining to his said office, then this obligation shall be void, otherwise of full force and virtue.

Sealed with our seals and dated this..... day of, 19....

A..... B....., [L. S.]
C..... D....., [L. S.]
E..... F....., [L. S.]

Signed, sealed and delivered in presence of
.....

We approve the within bond.
(Signed.)

G..... H....., *Moderator.*
J..... K....., *Director.*

Justification of Sureties in the foregoing Bond.

C..... D....., and E..... F....., the sureties whose names are subscribed to the above bond, being duly sworn, each for himself, says that he is a resident in said district and is worth the sum specified in said bond, over and above all his debts and liabilities, exclusive of property exempt from execution.

(Subscribed and sworn to.)

(312.)

FORM No. 7.

Notice of Annual Meeting.

[See Comp. Secs. No. 37, 39, 64.]

NOTICE.—The annual meeting of school district No.... of the township of....., for the election of school district officers and for the transaction of such other business as may lawfully come before it, will be held at....., on Monday, the..... day of September [or July], 19...., at..... o'clock..... M.

Dated this..... day of August [or July], 19....

(Signed.)

A..... B....., *Director.*

(313.)

FORM No. 8.

Request to be made by five Legal Voters of a District to the District Board for a Special Meeting.

[See Comp. Sec. No. 38.]

To the District Board of School District No. (or to A. B. one of the District Board:

The undersigned, legal voters of school district No. of the township of., request you, in pursuance of section 15 of chapter II of the general school laws of 1897, to call a special meeting of said district, for the purpose of

Dated this.....day of....., 19....
(Signed.)

C..... D.....
E..... F.....
G..... H.....
I..... K.....
L..... M.....

(314.)

FORM No. 9.

Notice of Special Meeting.

[See Comp. Secs. No. 38, 39.]

NOTICE.—A special meeting of the legal voters of school district No., in the township of....., called on the written request of five legal voters [or called by the district board, as the case may be], will be held at....., on theday of....., 19...., at....o'clock....M., for the purpose of [here insert every object that is to be brought before the meeting.]

(Signed.) A..... B....., Director.

(315.)

FORM No. 10.

Order upon the Treasurer for Moneys to be disbursed by him, with Receipt attached.

[See Comp. Secs. No. 64, 69.]

Treasurer of School District No., Township of.....:

SIB—Pay to..... the sum of.....100 dollars out of any moneys in your hands belonging to the [here insert name of fund on which order is drawn, as "teachers' wages," building, etc.] fund, on account of [here state the object for which the order was drawn.]

Dated this.....day of....., 19....

A..... B....., Director.

[Countersigned]

C..... D....., Moderator.

Received of E..... F....., treasurer of school district No....., the amount specified in the above order.

G..... H.....

(316.)

FORM No. 11.

Warrant upon Township Treasurer for moneys belonging to School District.

[See Comp. Secs. No. 64, 69, 89, 201.]

Treasurer of the Township of

SIR—Pay to A..... B....., treasurer of school district No....in said township, the sum of.....100 dollars, out of [here insert the particular fund], in your hands belonging to said district.

Dated at..... this..... day of....., 19....
C..... D....., *Director.*

[Countersigned]
E..... F..... *Moderator.*

(317.)

FORM No. 12.

Certificate by District Board to Township Clerk, of District Taxes to be Assessed.

[See Comp. Secs. No. 43, 52, 156.]

Clerk of the Township of.....:

The undersigned, district board of school district No....., township of..... do hereby certify that the following taxes have been voted by the qualified electors of said district, during the school year last closed, under the provisions of sections 4665, 4674, 4778, Compiled Laws 1897:

For building purposes .....	\$.....	.....
For repairs .....	.....	.....
For paying indebtedness .....	.....	.....
For services of district officers.....	.....	.....
For library .....	.....	.....
For apparatus .....	.....	.....
Total voted by the district.....	\$.....	.....

We further certify that the following taxes have been estimated and voted by the district board under the provisions of section 4674, Compiled Laws 1897:

For teachers' wages .....	\$.....	.....
For fuel .....	.....	.....
For incidental expenses .....	.....	.....
For free text-books.....	.....	.....
For flag and flag staff.....	.....	.....
For .....	.....	.....
Total estimated and voted by district board.....	\$.....	.....

Which amounts you will report to the supervisor to be assessed upon the taxable property of said district in accordance with the provisions of law.

Dated at..... this..... day of....., 19....
A..... B....., *Moderator.*
C..... D....., *Director.*
E..... F....., *Treasurer.*

(318.)

FORM No. 13.

Bond to be given by the Chairman of the Board of School Inspectors.

[See Comp. Sec. No. 71.]

KNOW ALL MEN BY THESE PRESENTS: That we, A..... B....., the chairman of the board of school inspectors of the township of.....county of....., and State of Michigan, and C..... D..... and E..... F..... [his sureties] are held and firmly bound unto the said township, in the sum of [here insert the sum of double the amount to come into said chairman's hands, as nearly as the same can be ascertained] for the payment of which sum well and truly to be paid to the said township, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such that if A..... B....., the chairman of the board of school inspectors, shall faithfully appropriate all moneys that may come into his hands by virtue of his office, then this obligation shall be void; otherwise, of full force and virtue.

Sealed with our seals, and dated this.....day of....., 19....

A..... B....., [L. S.]
C..... D....., [L. S.]
E..... F....., [L. S.]

Signed, sealed and delivered in the presence of

.....
.....

I approve the within bond.

(Signed.)

G..... H....., *Township Clerk.*

Justification of Sureties in the foregoing Bond.

C..... D..... and E..... F....., the sureties, whose names are subscribed to the above bond, being duly sworn, each for himself, says that he is a resident in said township and is worth the sum specified in said bond over and above all his debts and liabilities, exclusive of property exempt from execution.

(Subscribed and sworn to.)

(319.)

FORM No. 14.

Appointment of District Officers by District Boards.

[See Comp. Secs. No. 46, 125, 195.]

The undersigned, members of the district board of school district No....., township of....., do hereby appoint A..... B....., [director, moderator, or treasurer, as the case may be] of said district to fill the vacancy created by the [removal, resignation, or death, etc.] of C..... D....., the late incumbent.

Dated this.....day of....., 19....

E..... F.....
G..... H.....

(320.)

FORM No. 15.

Appointment of District Officers by School Inspectors.

[See Comp. Secs. No. 46, 125.]

The undersigned school inspectors of the township of....., do hereby appoint A..... B..... [director, moderator, or treasurer, as the case may be] of school district No....., in said township, the district board having failed to appoint.

Dated this.....day of....., 19....

A..... D.....,

E..... F.....,

G..... H.....,

Board of School Inspectors.

(321.)

FORM No. 16.

Notice of Meeting of Inspectors.

[See Comp. Sec. No. 31.]

NOTICE.—A meeting of the board of school inspectors of the township of....., will be held at....., on the....day of.....19...., at....o'clock....M., for the purpose of [here insert every object that is to be brought before the meeting, and if for the purpose of changing boundaries of districts, state the alterations proposed.]

Dated this.....day of....., 19....

A..... B.....,

Clerk of the Board of School Inspectors.

(322.)

FORM No. 17.

Certificate to be given to the Director of a School District, by the Board of School Inspectors when they establish a Site.

[See Comp. Sec. No. 106.]

The inhabitants of school district No....., township of....., having failed, at a legal meeting, to establish a site for a schoolhouse, the board of school inspectors hereby certify that they have determined that the said site shall be as follows [here insert description.]

Given under our hands this.....day of....., 19....

A..... B.....,

C..... D.....,

E..... F.....,

Board of School Inspectors.

(323.)

FORM No. 18.

Warrant on the Township Treasurer for Library Moneys.

[See Comp. Sec. No. 132.]

To the Treasurer of the Township of, County of

SIR.—Pay to....., chairman of the board of school inspectors, the sum of

.....100 dollars, from the library moneys in your hands or to come into your hands, the same being for the support of the library of said township.

Dated this.....day of....., 19....

A..... B.....,
C..... D.....,
E..... F.....

Township Board of School Inspectors.

REMARK.—In case district libraries are established in a township the library moneys due such districts are payable on the order of the district officer. (See form No. 11.)

(324.)

FORM No. 19.

Notice by the Township Treasurer to the Township Clerk of moneys to be Apportioned to Districts.

[See Comp. Secs. No. 89, 90.]

To the Clerk of the Township of.....County of.....:

SIR.—I have now in my hands for apportionment to the several school districts of this township the following moneys:

Primary school interest fund.....\$.....
Library moneys received from county treasurer.....
One-mill tax
Surplus dog tax
District taxes
Special funds

Dated this.....day of....., 19....

A..... B.....,
Township Treasurer.

(325.)

FORM No. 20.

Notice by the Township Clerk to the Township Treasurer, of the Apportionment of Moneys to Districts.

[See Comp. Secs. No. 80, 81.]

To the Treasurer of the Township of.....County of.....:

SIR.—Herewith find a statement of the number of children of school age in each school district of this township, entitled to draw public moneys, and the amount of moneys apportioned to each of said districts:

Districts.	No. of children in district.	Primary school interest fund.	Library moneys.	One-mill tax.	Surplus dog tax.	District taxes.	Special funds.	Total to each district.
District No. 1.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....
District No. 2, fr'l.....
.....
.....
Total.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....

Dated this.....day of....., 19....

A..... B.....,
Township Clerk.

(326.)

FORM No. 21.

Notice by Township Clerk to Directors, of Moneys belonging to the Districts.

[See Comp. Sec. No. 81.]

A..... B....., Director school District No....., Township of.....:
 SIR.—The amount of school moneys apportioned to school district No....., town-
 ship of....., is as follows:
 Primary school interest fund.....\$.....
 Library moneys received from county treasurer.....
 One-mill tax.....
 Surplus dog tax.....
 District taxes.....
 Special funds.....

Total\$.....
 Dated this.....day of....., 19....

A..... B.....,
 Township Clerk.

(327.)

FORM No. 22.

Certificate by the Township Clerk to the Supervisor, of District Taxes to be Assessed.

[See Comp. Sec. No. 79.]

Supervisor of the Township of....., County of.....:

SIR.—I hereby certify that the following is a correct statement of moneys proposed to be raised by taxation for school purposes in each of the several school districts of this township, as the same appears from the reports of the district boards of the several districts now on file in my office:

Districts.	For teachers' wages.	For building purposes.	For repairs.	For paying indebtedness.	For fuel.	For library.	For apparatus.	For incidental expenses.	For	Total.
District No. 1.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....
District No. 2, fr'l.....
.....
.....

Which amounts you will assess upon the taxable property of each of said districts in accordance with the provisions of law.

Dated.....day of....., 19....

A..... D.....,
 Township Clerk.

(328.)

FORM No. 23.

Deed to School District.

[See Comp. Sec. No. 51.]

KNOW ALL MEN BY THESE PRESENTS: That A..... B....., and C..... D....., his wife, of the township of....., county of....., and State of....., party of the first part, for and in consideration of the sum of.....100 dollars, to them paid by the district board of school district No....., of the township of....., county of....., and State of Michigan, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, and convey to school district No..... aforesaid, the party of the second part, and their assigns forever, the following described parcel of land namely [here insert description]; together with all the privileges and appurtenances thereunto belonging, to have and to hold the same to the said party of the second part and their assigns forever. And the said party of the first part for themselves, their heirs, executors, and administrators, do covenant, grant, bargain, and agree, to and with the said party of the second part and their assigns, that, at the time of the ensembling and delivery of these presents, they were well seized of the premises above conveyed, as of a good, sure, perfect, absolute, and indefeasible estate of inheritance in the law, in fee simple, and that the said lands and premises are free from all encumbrances, whatever; and that the above bargained premises, in the quiet and peaceable possession of the said party of the second part and their assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, they will forever warrant and defend.

In witness whereof, the said A..... B....., and C..... D....., his wife, party of the first part, have hereunto set their hands and seals, this..... day of....., 19.....

A..... B....., [SEAL]
C..... D....., [SEAL]

Signed, sealed, and delivered in presence of

E..... F.....,
G..... H.....

STATE OF..... } ss.

County of..... }

On this.....day of....., in the year one thousand nine hundred and....., before me, I..... K....., a....., in and for said county, personally appeared....., and....., his wife, to me known to be the same persons described in and who executed the within instrument, who severally acknowledged the same to be their free act and deed.

Witness my hand and official seal, the day and year last above named.

I..... K....., [SEAL]

(329.)

FORM No. 24.

Lease to School District.

[See Comp. Sec. No. 51.]

KNOW ALL MEN BY THESE PRESENTS: That A..... B....., of the township of....., county of....., and State of....., of first part, for the consideration herein mentioned, does hereby lease unto school district No....., in the township of....., county of....., and State of Michigan, party of the second part, and their assigns, the following parcel of land, to wit: [Here insert description] with all the privileges and appurtenances

thereto belonging; to have and to hold the same for and during the term of years from the day of, 19.... And the said party of the second part, for themselves and their assigns, do covenant and agree to pay the said party of the first part, for the said premises, the annual rent of..... dollars.

In testimony whereof, the said parties have hereunto set their hands and seals this day of, 19....

A..... B....., [SEAL]
Lessor.

C..... D.....,
E..... F....., [SEAL]
G..... H.....,

District Board of School No..... of the aforesaid Township.

Signed and sealed in the presence of

I..... K.....
L..... M.....

(330.)

FORM No. 25.

Contract for Building a Schoolhouse.

[See Comp. Sec. No. 51.]

Contract made and entered into between A..... B....., of the township of, in the county of, and State of Michigan, and C..... D....., E..... F....., and G..... H..... composing the district board of school district No....., of the township of in the county of, and State of Michigan, and their successors in office.

In consideration of the sum of one dollar in hand paid, the receipt whereof is hereby acknowledged, and of the further sum of dollars, to be paid as hereinafter specified, the said A..... B..... hereby agrees to build a..... schoolhouse, and to furnish the material therefor, according to the plans and specifications for the erection of said house hereto appended, and at such point in said district as said district board may designate. The said house is to be built of the best material in a substantial, workmanlike manner, and is to be completed and delivered to the said district board or their successors in office, free from any lien for work done or material furnished, by the.....day of19.... And in case the said house is not finished by the time herein specified, the said A..... B..... shall forfeit and pay to the said district board or their successors in office, for the use of said district, the sum of.....dollars, and shall also be liable for all damages that may result to said district in consequence of said failure.

The said district board or their successors in office, in behalf of said district, hereby agree to pay the said A..... B..... the sum of..... dollars, when the foundation of said house is finished; and the further sum of dollars when the walls are up and ready for the roof; and the remaining sum of dollars when the said house is finished and delivered as herein stipulated.

It is further agreed that this contract shall not be sub-let, transferred, or assigned without the consent of both parties.

Witness our hands this day of..... 19....

A..... B.....,
Contractor.

C..... D.....,
E..... F.....,
G..... H.....,
District Board.

(331.)

FORM No. 26.

Contract between District Board and Teacher.

[See Comp. Secs. No. 56, 73, 126.]

It is hereby contracted and agreed between the district board of school district No. in the township of, county of and State of Michigan, and A. B., a legally qualified teacher in said township that the said A. B. shall teach the school of said district for the term of months, commencing on the day of, 19....; and the said A. B. agrees to faithfully keep a correct list of the pupils, grading and the age of each, attending school and the number of days each pupil is present, the aggregate attendance, average daily attendance and percentage of attendance, and to furnish the director with a correct copy of the same at the close of the school and to observe and enforce the rules and regulations established by the district board.

The said district board, in behalf of said district, agrees to keep the schoolhouse in good repair, to provide the necessary fuel to keep the schoolhouse in comfortable condition, and to pay said A. B. for the said services as teacher, to be faithfully and truly rendered and performed, the sum of dollars per month, the same being the amount of wages above agreed upon, to be paid on or before the day of 19....: Provided, That in case said A. B. shall be dismissed from school by the district board, for gross immorality or violation of this contract, or shall permit his certificate of qualification to expire, or shall have said certificate annulled or suspended by the county board of school examiners or other lawful authority, he shall not be entitled to any compensation from and after such annulment, suspension, or dismissal.

In witness whereof, we have hereunto subscribed our names, this day of 19....

C. D.,
E. F.,
G. H.,
District Board.
A. B.,
Teacher.

GENERAL SCHOOL LAWS.

Teacher's General Register.

[See Comp. Sec. No. 56.]

REGISTER of the school taught in District No., in the county of....., and State of Michigan, for the term commencing on the.....day of.....19...., and ending on the.....day of.....19....

PUPILS.		ATTENDANCE IN DAYS FOR WEEK COMMENCING.										STUDIES PURSUED BY EACH SCHOLAR.													
No.	NAME.	Age.	January 6.	January 13.	January 20.	January 27.	February 3.	February 10.						Total attendance in days.	Average daily attendance.	Per centage of attendance.	Orthography.	Reading.	Writing.	Arithmetic.	Geography.	Grammar.	U. S. History.	Civil Govern-ment.	Physiology and Hygiene.
1	A..... B.....	7	5	3	4	5	2	4						23	.....	.....	*	*	.....	*	*	.....	.....	.....	*
2	C..... D.....	14	4	.....	5	1	3	5						18	.....	.....	*	*	.....	.....	*	.....	.....	*	*
3	E..... F.....	10	3	4	4	3	5	4						23	.....	.....	*	*	.....	*	*	.....	.....	.....	.....

I hereby certify that the above is a faithful and correct register of said school.

A..... B....., Teacher.

NOTE.—The above register, properly certified by the teacher, should be filed with the director of the district immediately after the close of the school. Each column under the head of "attendance in days" is designed to embrace the number of days *present* each week, and the sum of days *present* during the term given in the eighteenth column to the right (total days' attendance).

The words "for weeks commencing" in the above form refer to "January 6" in the left hand column under the head of "attendance in days," etc. The star, thus *, denotes the studies pursued by each pupil. To ascertain the "average daily attendance," divide "total days' attendance," as found in eighteenth column, by exact number of days the school was taught during the year by qualified teachers. To ascertain "percentage of attendance," divide "average daily attendance" by total number pupils enrolled.

Under the provisions of (4380) Section 15, the teacher is required to certify in the register, before placing it in the hands of the director, whether or not instruction has been given in physiology and hygiene, with special reference to the effect of alcohol and narcotics upon the human system, in the school or grade presided over by the teacher.

(333.)

FORM No. 28.

Notice to Parents or Guardians in Rural Districts.

[See Comp. Sec. No. 217.]

STATE OF MICHIGAN,

County of

.....Township, 19....

To.....

You are hereby notified that.....a child between 8 and 15 years of age, and under your legal control, is not attending the public school in your district.

You will see to it that.....presents.....self with the necessary text-books at the said school on Monday morning next, at 9 o'clock, and that shall continue in regular attendance for at least 8 half days during each week for a period of four consecutive months previous to the 30th day of June, 19...., or during such part of said four months as may yet remain previous to said 30th day of June.

Yours respectfully,

.....
Truant Officer.

(334.)

FORM No. 29.

Notice to Parents or Guardians in Cities having a regularly constituted Police Force.

[See Comp. Sec. No. 217.]

.....Michigan,

.....19....

To M.....

No.....St.

You are hereby notified that is believed to be over 7 and under 15 years of age and that.....is not attending school as provided for by the act under which this notice is sent, and you are hereby notified to cause said.....to begin regular attendance next Monday at the.....school.

Respectfully,

.....
Supt. of Schools.

Served....., 19....

.....
Truant Officer.

(335.)

FORM No. 30.

Notice to Truant Officer by School Officers, Teachers or Residents of District.

[See Comp. Sec. No. 220.]

.....Michigan,

.....19....

To the Truant Officer of Township [or city] of

SIR.—You are hereby notified that the following named pupils residing at.....
..... St., are liable to the penalty for violation of the law for compulsory attendance at school.

I trust you will investigate the cases at once and learn the reasons why they are not in school.

Respectfully,

A..... B.....

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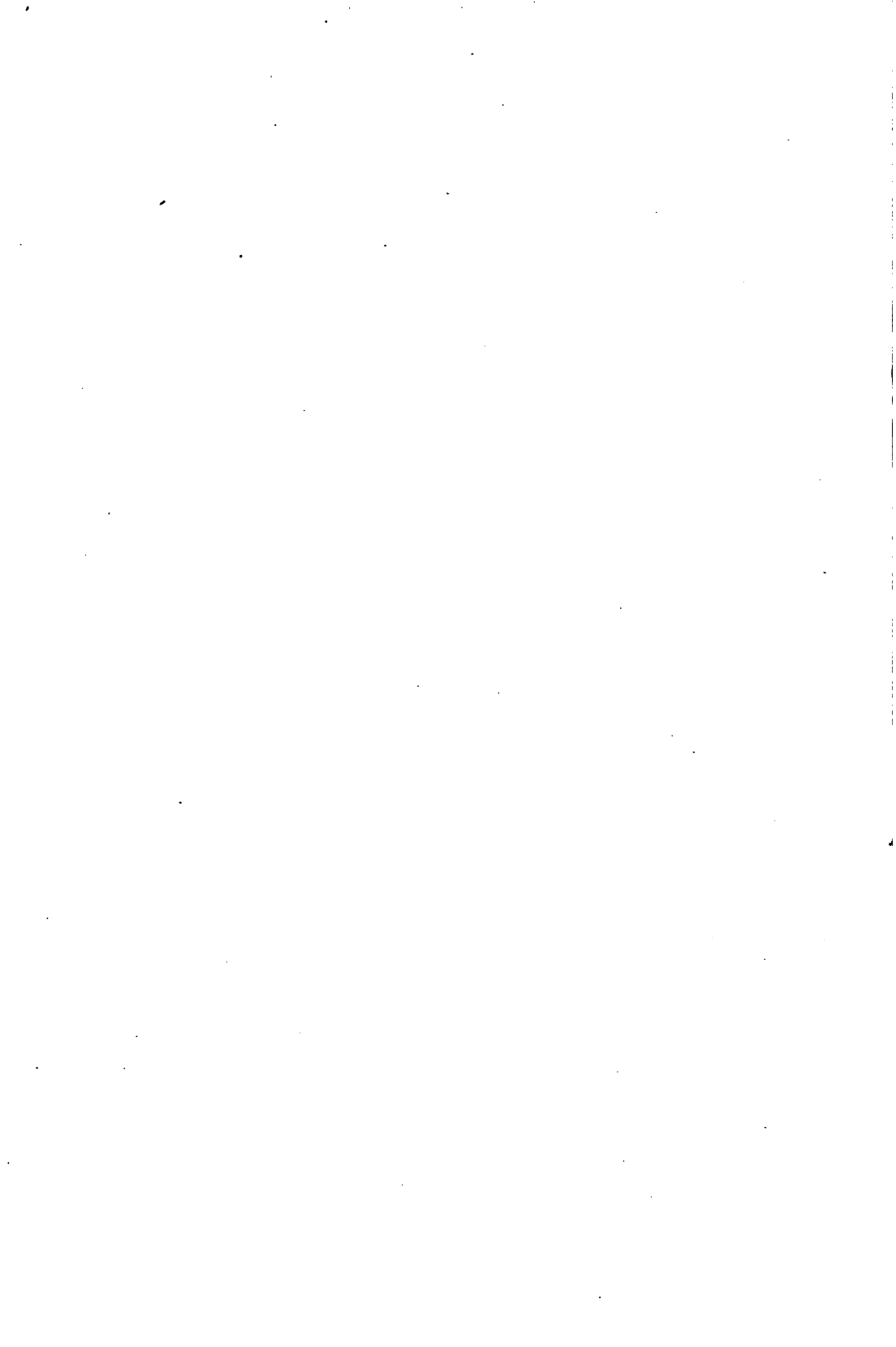
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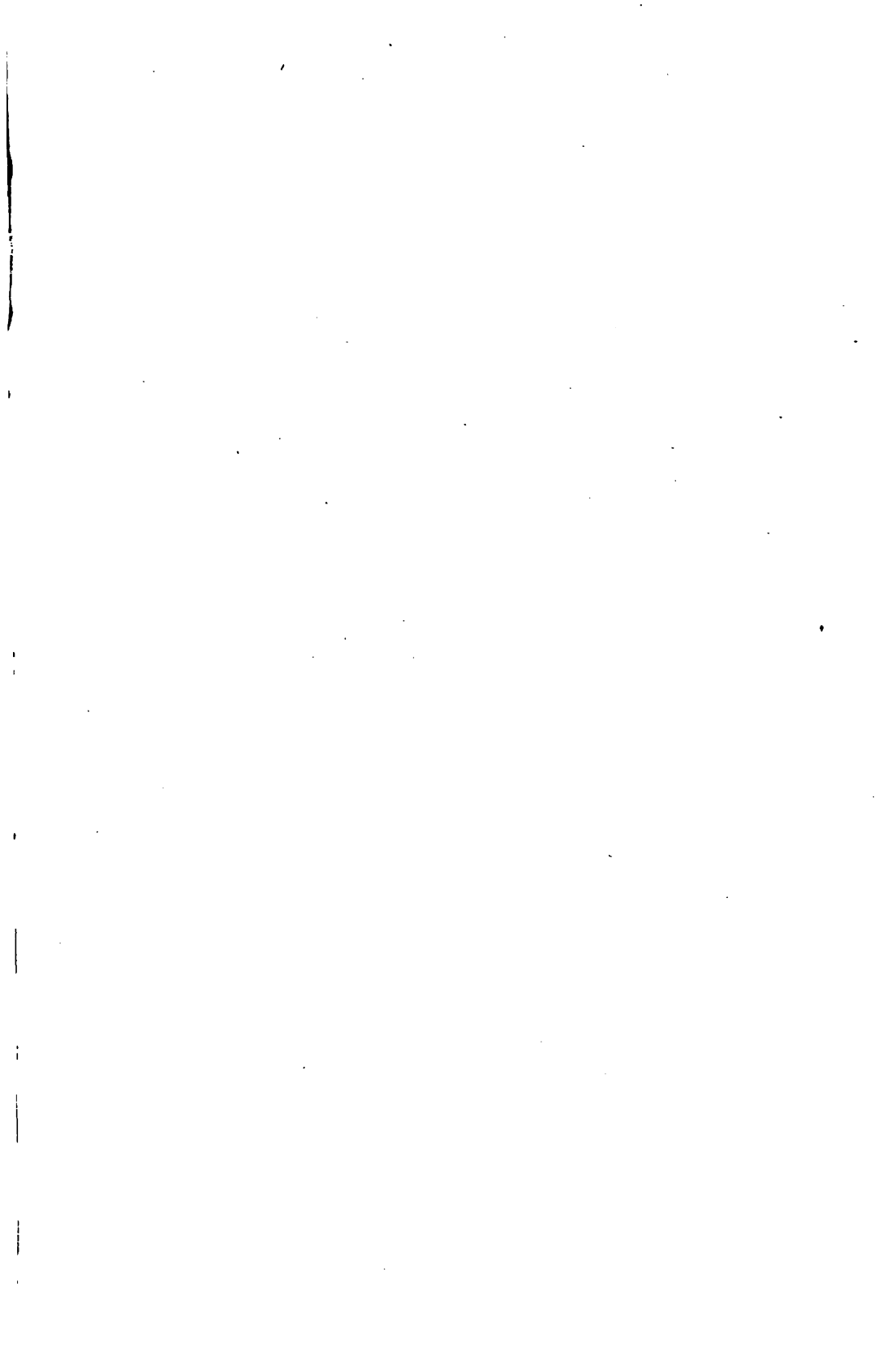
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